

## Chapter 3

### SIGN CODE\*

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\* **Editors Note:** Ord. No. 10481, § 1, adopted Nov. 27, 2007, effective Jan. 14, 2008, repealed the former Ch. 3, Arts. I--XV, §§ 3-1--3-10, 3-14, 3-15, 3-19--3-27, 3-31--3-43, 3-47--3-69, 3-73, 3-77--3-80, 3-84--3-86, 3-90, 3-91, 3-95, 3-99--3-105, 3-109, 3-110, 3-114--3-125, 3-130--3-136. Section 2 of said ordinance enacted a new Ch. 3 as set out herein. The former Ch. 3 pertained to advertising and outdoor signs and derived from Ord. No. 6737, § 2, adopted July 6, 1987; Ord. No. 6867, § 1, adopted Feb. 22, 1988; Ord. No. 7277, § 1, adopted Sept. 11, 1989; Ord. No. 7455, §§ 1--8, adopted August 6, 1990; Ord. No. 7768, §§ 1--26, adopted April 6, 1992; Ord. No. 8281, § 1, adopted June 6, 1994; Ord. No. 8634, § 1, adopted Jan. 8, 1996; Ord. No. 8635, § 1, adopted Jan. 8, 1996; Ord. No. 8986, § 1, adopted Nov. 10, 1997; Ord. No. 8983, §§ 1--3, adopted Nov. 10, 1997; Ord. No. 9123, §§ 1, 2, adopted Sept. 14, 1998; Ord. No. 9128, §§ 1--5, adopted Sept. 14, 1998; Ord. No. 9470, §§ 1, 2, adopted Oct. 9, 2000; Ord. No. 9537, §§ 1--12, adopted May 14, 2001; Ord. No. 9782, § 1, adopted Oct. 14, 2002; Ord. No. 9805, § 1, adopted Jan. 13, 2003; Ord. No. 9808, § 1, adopted Jan. 13, 2003; Ord. No. 9867, §§ 1, 2, adopted June 23, 2003; Ord. No. 10173, § 1, adopted June 28, 2005; Ord. No. 10376, § 1, adopted Feb. 21, 2007.

**Charter References:** Authority to regulate or prohibit signs and billboards, ch. VII, § 1(6).

**Cross References:** Construction regulations generally, ch. 6; license fee for advertising agencies, § 19-28(2); fee for advertising solicitors, § 19-28(3); fee for distributors of handbills and other advertising, § 19-28(55); privilege tax on advertising, § 19-405; advertising prohibited in parks and recreation areas, § 21-3(6)(3); posting advertising or signs on golf course property prohibited, § 21-19; technical division of administrative hearing office to have exclusive jurisdiction over alleged violations of sign code, § 28-4(1).

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## **ARTICLE I. INTRODUCTORY PROVISIONS**

### **Sec. 3-1. Short title.**

This chapter shall be known and cited as "Tucson Sign Code" or "sign code."

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-2. Declaration of purpose and intent.**

A. The purpose of this sign code is to regulate outdoor advertising, outdoor advertising signs and outdoor signs of all types and to provide fair and comprehensive regulations that will foster a good visual environment for Tucson, enhancing the fragile desert in which we live and creating an aesthetic and enjoyable appearance for our visitors and our residents, while recognizing the legitimate advertising and signage needs of the community.

B. The mayor and council declare that the regulation of signs within the City of Tucson is necessary and in the public interest (a) to safeguard and enhance property values within the City of Tucson; (b) to preserve the beauty and unique character of the City of Tucson; (c) to promote and aid in the tourist industry, which is an important part of the economy of the City of Tucson; (d) to protect the general public from damage and injury that may be caused by the faulty and uncontrolled construction of signs within the City of Tucson; and (e) to promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City of Tucson.

C. Any sign authorized by this sign code is permitted to contain noncommercial copy in lieu of any other copy.

D. The City of Tucson shall follow its own sign code in all cases, except where a deviation from the sign code is necessary to protect or promote public health, welfare or safety.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-3. Interpretation and construction with Tucson Code by the sign code administrator.**

The sign code administrator or designee shall interpret and apply this sign code in conformance with section 23A-31 of the Development Compliance Code. Where there is a conflict between provisions of the sign code and other provisions of the Tucson Code, the more restrictive provisions shall prevail. The sign code administrator shall be the zoning administrator as defined by A.R.S. § 9-462.05(C) for the purpose of enforcement of this sign code. The zoning administrator shall remain the official responsible for interpretation and enforcement of all land use and zoning matters under the Land Use Code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-4. Application and interpretation of district boundaries.**

Sign districts are determined by the underlying zoning and use or by adopted maps. The single family residential district and the multiple family residential district are based upon residential zoning or, where permitted by less restrictive zoning, an approved site plan, development plan or plat that provides for a single or multi-family use as the principal use. Where a residential use is in less restrictive zoning, the establishment of a more intensive use by redevelopment in conformance with an approved site plan, development plan or plat shall re-designate the property to the applicable sign district. The O-1 district, the historic district and the planned area development district are coextensive with those respective zones. The pedestrian business district is a specifically mapped district that supersedes the underlying zoning classifications for purpose of determining the sign regulations. The scenic corridor zone district is determined based upon the mapped scenic corridors. The medical-business-industrial park district includes the specific uses defined in that district. The general business district includes property generally zoned for office, commercial and mixed uses which is not subject to a more restrictive sign district. The industrial district includes property zoned for industrial uses which are not subject to a more restrictive sign district. The park district includes public parks regardless of the underlying zoning.

The effectuation of a change of zoning for a property will also effectuate a change in the sign district to the extent the zoning determines the sign district.

Interpretation of the applicable sign district shall be made by the sign code administrator but interpretation of the land use classification for the applicable zoning shall be made by the zoning administrator.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-5. Reference to other codes.**

All references made in this sign code to building codes, technical codes, or other Tucson Code provisions refer to the most recent edition of the Code, and amendments thereto, adopted by the City of Tucson.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-6. Application of prior Code sections.**

Chapter 3 of the Tucson Code as adopted and amended prior to the adoption of this sign code is repealed except that the same is continued in full force and effect as necessary to the final determination and disposition of the prosecution or litigation of any claim or complaint that has been made or may be made in the future alleging a violation of any prior provision of Chapter 3 based upon acts occurring prior to the repeal of any such provision.

**Sec. 3-7. Severance of the provisions of this sign code.**

Any provision of this sign code that imposes a limitation on freedom of speech shall be construed in a manner that is viewpoint neutral and treats expressive speech either the same as or less restrictive than commercial speech. Any provision of this sign code that is found to be an unconstitutional limitation on freedom of speech by any court shall be severed from this sign code in a manner that preserves code and protects freedom of speech.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Secs. 3-8--3-10. Reserved.**

**ARTICLE II.  
DEFINITIONS**

**Sec. 3-11. Definitions.**

The terms used in this sign code shall have the following meanings, unless the context otherwise requires:

- A. *A-frame sign.* A type of portable sign.
- B. *Abandoned.* A sign structure that has ceased to be used to display or support a sign and regarding which the owner has manifested an intention to permanently cease the use of the sign structure.
- C. *Alter.* To change, modify or vary an existing sign structure without constructing a totally new sign structure.
- D. *Area of a sign.* See section 3-32.
- E. *Arterial street.* A roadway designated as an arterial street in the Major Streets and Routes Plan.
- F. *Attached sign.* Any sign that is fastened, connected or supported in whole or in part by a building or structure other than a sign structure that is supported wholly by the ground. Attached signs may include awning signs; banners (building and curbside); electronic message centers; incidental signs; menu boards; parking signs; projecting signs; real estate for sale or lease signs; time, temperature and weather displays; wall signs and window signs.
- G. *Awning sign.* A sign constructed of cloth, plastic or metal and permanently affixed to a structure and intended to provide shade.  
  
Awning Sign
- H. *Banners, across the street.* See section 3-43.
- I. *Banners, building and curbside.* A piece of fabric permanently attached by one or more edges to a pole, rod or cord.
- J. *Billboard.* An off-site sign relating to a business, activity, use or service conducted off the site or to a product not sold on the site.



K. *Change of copy.* Where the message or design of an existing sign face is modified or changed, but the size, shape, framework or structure of the sign is not modified or changed. Billboards, marquees, electronic message boards, menu boards and approved changeable copy signs are not subject to this definition.

L. *Charitable organization.* A charitable or civic entity not organized for profit but operated solely for the promotion of social welfare, the net earnings of which are devoted exclusively to charitable purposes and do not inure to the benefit of any private shareholder, individual or corporation.

M. *Clearance.* The distance between grade and the bottom edge of a sign.

N. *Collector street.* A roadway designated as a collector street in the Major Streets and Routes Plan.

O. *Detached sign.* Any sign not supported in whole or in part by a building or structure other than a sign structure that is supported wholly by the ground. Detached signs may include billboards; directory signs; electronic message centers; emergency site locators; freestanding signs (monument type, low profile type, and freestanding pole type); freeway signs; menu boards; parking signs; real estate signs (announcement, construction, development, directional, project identity, sale or lease, rental development signs and subdivision signs); time, temperature and weather signs; traffic directional signs and medical services directional signs.

P. *Directory sign.* An on-site sign that lists the tenants and/or occupants and directs the public to the tenants' and/or occupants' locations.

Q. *Discontinued.* A sign or sign structure is discontinued where it is not used for a consecutive period of six (6) months or more, and where the period of non-use is attributable in whole or in part to the owner of the sign or premises, regardless of whether the owner intends to abandon the sign.

R. *District.* A geographic area exhibiting similar uses and character, as identified in Article VI of this sign code.

S. *Electronic message center.* An electronic or electronically controlled message board, where scrolling or moving copy changes are shown on the same message board, or any sign that changes the text of its copy electronically or by electronic control.

T. *Emergency site locator.* Consists of signs and markers required for direction of emergency vehicles in multiple tenant and multiple building complexes.

#### Emergency Site Locator

U. *Facade.* The side or face of a building.

V. *Freestanding sign.* An on-site sign or three-dimensional representation of a figure or object, not attached to any building, supported by uprights or braces or some other approved support that is capable of withstanding the stress from weight and wind load. Includes the following sign types:

1. *Monument type freestanding sign:* A sign that has been provided with a base of some type (a pole cover or architectural embellishment) or stands alone on its own foundation.

2. *Low profile freestanding sign:* A sign that has been provided with a minimum continuous prepared base or support, at least two (2) feet in height, that extends in a continuous base to the outside dimension of the sign. To encourage design flexibility, the maximum height of the sign may be lowered in order to decrease the required setback from the street.

3. *Freestanding pole sign:* A sign that stands alone on its own foundation and must be provided with a pole cover or architectural embellishment. The sign may be higher than the other types of

freestanding signs, must be setback further from the street, and is permitted only for larger premises or developments.

W. *Freeway*. A roadway designated as a freeway in the Major Streets and Routes Plan.

X. *Freeway sign*. A detached on-site sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is located as provided in section 3-61.

Y. *Gateway route*. A roadway designated as a gateway route in the Major Streets and Routes Plan.

Z. *Grade*. The point of elevation determined in accordance with section 3-33.

AA. *Height of sign*. The vertical distance measured from the grade to the highest point of the sign.

BB. *Incidental sign*. A small noncommercial sign, emblem or decal informing the public of facilities, services or prohibitions relating to the premises.

CC. *Local street*. A roadway that is not otherwise designated in the Major Streets and Routes Plan.

DD. *Logo*. A graphic symbol or insignia that serves to identify a business, building or complex.

EE. *Lot*. A parcel of land shown on maps maintained by the Pima County Assessor's Office.

FF. *Major Streets and Routes Plan*. The current plan and map adopted by mayor and council pursuant to Land Use Code Section 2.8.3.3 to implement the circulation element of the Tucson General Plan. The Major Streets and Routes Plan and map identify the functional classification of City streets, right-of-way widths and development policies for the City's road system.

GG. *Mall*. A shopping center anchored by two (2) or more department stores with various specialty stores, totaling five hundred thousand (500,000) square feet or more of gross building area.

HH. *Medical services directional sign*. An off-site sign giving direction to and identifying a medical activity, use or service located within two thousand (2,000) feet of a scenic route. Copy limited to business name and address and directional arrow.

II. *Menu board*. A permanently mounted structure displaying the bill of fare of a drive-in or drive-through restaurant.

JJ. *Mural*. A noncommercial picture, not advertising a product or service that is sold on the premises, painted on or attached to the exterior walls.

KK. *Nonconforming sign*. A sign lawfully erected or altered in conformance with applicable regulations, including a sign lawfully existing in the county at the time of annexation, that no longer complies with this sign code due to amendments to this sign code adopted subsequent to the approved permit for the sign or the annexation.

LL. *Obsolete sign copy*. Any sign copy, excluding historic landmark signs (HLS), that no longer correctly identifies or directs attention to an existing use or product available on the premises.

MM. *Occupancy*. The purpose for which a building or part thereof is used or intended to be used.

NN. *Off-site sign*. A sign not located on the premises of the use identified or advertised by the sign.

OO. *On-site sign*. A sign located on the same premises as the use identified or advertised by the sign.

PP. *Parapet*. The portion of a wall that extends above the roofline.

QQ. *Parcel*. A division of land as shown on the maps maintained by the Pima County Assessor.

RR. *Parking sign*. A wall or freestanding sign used to identify a commercial parking facility.

#### Parking Sign

SS. *Person*. Any natural person, as well as any firm, partnership, association, corporation, company or organization of any kind.

TT. *Pictograph*. A graphic, symbolic representation of a commonly recognized idea or item, excluding words or phrases. Example: a picture of a camera used to identify a photographic supply store.

UU. *Pole cover*. A cover that encloses or decorates a pole or other structural sign support.

VV. *Political election sign*. A sign not permanently installed in the ground or attached to a building relating to the election of a person to a public office, or to a political party, or to a matter to be voted upon at an election called by a public body. Does not include political headquarters signage.

WW. *Portable sign*. An on-site non-illuminated sign, including but not limited to A- frame signs, temporarily authorized for one (1) year and used to advertise the location, goods or services offered on the premises.

XX. *Premises*. The land area determined in accordance with section 3-34.

YY. *Projecting sign*. A sign, other than a wall sign, attached to a building or other structure and extending in whole or in part more than twelve (12) inches beyond the surface of the portion of the building to which it is attached, beyond the building, or over the public right- of-way.

ZZ. *Property*. An area consisting of one or more parcels or portions of parcels that share the same zoning classification or permitted and legally nonconforming land uses.

AAA. *Public use*. Any land or building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county or municipality, without reference to the ownership of the building or of the realty upon which it is situated.

BBB. *Real estate development*. A development containing four (4) or more residential or commercial units for sale.

CCC. *Real estate sign*. Any one of the following sign types:

1. *Real estate announcement sign*. An on-site sign identifying a proposed development or project. The sign must identify the project and may include leasing information such as a contact person, type of occupancy, opening date, or special features concerning the proposed development.

2. *Real estate construction sign*. An on-site sign identifying the name or names of contractors, subcontractors, architects, engineers, material suppliers, and lending institutions responsible for construction, reconstruction or demolition of the project where the sign is located, and the name of the development. This type of sign may be a standard sign type, or it may also be a banner constructed of cloth, canvas, light fabric, cardboard, wallboard or other light material and affixed to the chainlink fence or installed in the ground between posts.

3. *Real estate development sign*. An off-site directional sign placed at a location other than on the premises of a subdivision or real estate development and intended to direct prospects to the real estate development or subdivision having lots, houses, townhouses or condominiums for sale.

4. *Real estate directional sign.* An off-site sign that is intended to direct prospects to the unit (non-subdivision) for sale.

5. *Real estate for sale or lease sign.* An on-site wall or freestanding sign placed upon a property advertising that property for sale, rent or lease.

6. *Real estate project identity entrance sign.* An on-site sign displaying the name of the subdivision or development at the major street entrances to the subdivision or development.

7. *Real estate rental development sign.* An off-site sign placed at a location other than the premises of a new rental or for lease project offering housing for lease or rent.

8. *Real estate subdivision sign.* An on-site sign advertising a subdivision as having lots, townhouses, houses or condominiums for sale.

DDD. *Repair.* To mend, renovate or restore a sign structure to its original existing condition.

EEE. *Scenic route.* A roadway designated as a scenic route in the Major Streets and Routes Plan.

FFF. *School.* Any public, parochial or private school for teaching accredited courses of instruction as approved by the Arizona Department of Education.

GGG. *Sign.* Every advertising message, announcement, declaration, display, illustration, insignia, surface or space erected or maintained in a location outside any building and visible to the public for identification, advertising or promotion of the interest of any person, entity, product or service. Signs attached to the interior wall of a shopping mall for identification, advertisement or promotion of the interest of any person, entity, product or service are required to obtain a sign permit to ensure compliance with applicable building, fire, electrical and technical codes but are not otherwise subject to this sign code. Signs within individual mall stores or inside individual business establishments are excluded from this definition.

HHH. *Sign code administrator.* The person designated and authorized to enforce and administer the provisions of this sign code, or that person's authorized representative or designee. The sign code administrator is the zoning administrator as described in A.R.S. § 9-462 for the purpose of interpreting this code.

III. *Site.* The land area consisting of a lot or contiguous lots, not including dedicated public property, designated for development as a single entity through an approved site plan, plat or development plan.

JJJ. *Street frontage.* The length of a lot or development fronting on a public or private street.

### Street Frontage

KKK. *Subdivision.* Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land, or, if a new street is involved, any such property that is divided into two (2) or more lots, tracts or parcels of land, or, if any such property, the boundaries of which have been fixed by a recorded plat, that is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse, or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

LLL. *Temporary sign.* Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, plastic or other light material and not rigidly and permanently installed in the ground or attached to a building. Political election signs are not included in this definition. The definition includes but is not limited to the following sign types:

1. *Grand opening, sales and civic events banner.* Temporary on-site banner advertising the grand opening, reopening, new management, sales event or civic event at a specific location.

2. *Banner used as temporary signage.* Temporary on-site banner used to advertise events lasting for a limited time. This type of banner may also be used to temporarily advertise a business location while permanent signage is being constructed, or during a change of business name, exterior remodeling of tenant space or entire center, or periods of road construction.

MMM. *Tenant.* The occupant of a portion of a site or structure with exclusive control over that portion, regardless of whether it is by individual ownership or lease.

NNN. *Time, temperature and weather display.* A sign that displays the current time, temperature or current or forecast weather conditions.

OOO. *Total allowable sign area.* The length of a site fronting on a public or private street multiplied by the allowable sign area in each district or as outlined in each district. The total allowable sign area for a site in each district can never be exceeded regardless of the number of lots or tenants in a development.

PPP. *Traffic directional sign.* An on-site sign directing the reader to the location or direction of any place or area.

QQQ. *Unoccupied.* A premises or structure:

1. That is not occupied, or
2. That is not being put to those uses authorized by the last business privilege license issued by the City of Tucson for that address and business, or
3. Where the public utilities are not in service.

RRR. *Vacant.* A premises or structure:

1. From which the fixtures utilized in conjunction with the business activities as authorized by the last business privilege license for that address issued by the City of Tucson have been removed, or
2. Where the public utilities are not in service.

SSS. *Vehicle signs.* Signs mounted upon, painted upon or otherwise erected on or affixed to trucks, cars, boats, trailers and other motorized vehicles or equipment.

TTT. *Wall.* An exterior building surface thirty (30) degrees or less from vertical including, interior and exterior window and door surfaces.

UUU. *Wall sign.* Any sign that is fastened, attached, connected or supported in whole or in part by a building or structure, other than a sign structure supported wholly by the ground, with the exposed face of the sign in a plane parallel to the plane of the wall.

VVV. *Window sign.* Any sign affixed to the interior or exterior window surface.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 2, 6-28-11)

**Secs. 3-12--3-15. Reserved.**

## **ARTICLE III. PERMITS, FEES AND INSPECTIONS**

### **Sec. 3-16. Permits required.**

A. It shall be a civil infraction for any person to erect, reinstall, alter, change the copy of, repair or relocate a sign within the city limits, or cause the same to be done, without first obtaining a permit or permits from the development services department, as required by this sign code.

B. It shall be a civil infraction for any person to use, maintain, or otherwise allow the continued existence of any sign for which the required permit was not obtained, and each day such violation shall continue shall constitute a separate offense.

C. A permit shall be issued to the owner of the property or the agent for the owner. When a contractor is required to be licensed by the State of Arizona, the permit shall only be issued to a licensed contractor.

D. Compliance with technical codes. In addition to compliance with this sign code, all signs shall comply with the appropriate detailed provisions of the adopted building code for the City of Tucson and all adopted technical codes relating to design, structural members, and connections, the applicable provisions of the Electrical and Fire Codes of the City of Tucson and the additional construction standards set forth in this jurisdiction.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-17. Permission of property owner.**

No person shall erect, construct, or maintain any sign upon any property or building without the consent of the owner, person entitled to possession of the property or building, if any, or their authorized representative.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-18. Application for permit.**

A. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the development services department for that purpose. Every such application shall contain the following information:

1. Street address where the sign is to be installed;
2. Name and address of the applicant and name(s) and address(es) of the owner(s) of the sign, if the applicant is not the owner;
3. Name, address and telephone number of sign and electrical contractor, if any;
4. Correct zoning of property;
5. Identification and description of the work to be covered by the permit for which application is made;
6. Message to be contained on the proposed sign;
7. Valuation of the proposed work;
8. Signature of the permittee or his authorized agent; and
9. Name of business for which sign is being applied.

B. Plans and specifications. Scaled plans, diagrams and other material shall be submitted in duplicate with each application for a permit and contain the following information:

1. Drawing of sign indicating the sign message or copy;
2. Elevation plan of the building showing the proposed sign on the building;
3. Site plan indicating street frontage, property lines, sight visibility triangles, proposed and existing rights-of-way, location of sign on property and relationship of proposed sign to ingress and egress points;
4. Construction details of the sign; method of attachment (details), including number, size and type of anchors being used; weight of sign or components; and character of structural members to which attachment is to be made;
5. For illuminated signs, complete electrical data, including type of illumination, number of fixtures, operating voltage, number of circuits, total line load, and location of electrical disconnect(s); and
6. Certificate of insurance must be on file with the development services department.

C. Engineered plans and specifications. The following signs shall require engineered plans and calculations sealed by an engineer and/or architect registered in the State of Arizona:

1. Detached or freeway signs when the area of the sign or the aggregate area of all signs on the sign structure, including the pylon and/or pole cover, exceeds sixty (60) square feet.
2. Wall signs in excess of one hundred (100) square feet in area or any signs attached to a building in excess of thirty (30) feet from grade to the bottom of the sign, or as required by the plans examiner, except:
  - a. Non-illuminated individual characters or individual graphics fabricated from lightweight material.
  - b. Any signs painted directly upon the wall of a building.
3. All billboards.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-19. Issuance.**

A. *Review and approval.* The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the development services department. Such plans may be reviewed by other departments of the city to verify compliance with any applicable laws under their jurisdiction. If the development services department finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this sign code and other pertinent laws and ordinances, and that the fees specified in Development Standard 1-05.7.0 have been paid, a permit shall be issued to the applicant. When the development services department issues the permit where plans are required, the plans and specifications shall be endorsed in writing or stamped "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorization from the development services department, and all work shall be done in accordance with the approved plans.

B. *Retention of plans.* One set of approved plans and specifications shall be returned to the applicant and shall be kept on the job site at all times during which the work authorized thereby is in progress. One set of approved plans, specifications and computations shall be retained by the development services department.

C. *Validity of permit.* The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this sign code or of any other ordinance of this jurisdiction. No permit presuming to give authority to violate or cancel the provisions of these Codes shall be valid.

D. *Expiration.*

1. Every permit issued by the development services department under the provisions of this sign code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of one hundred eighty (180) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of one hundred eighty (180) days or more at any time after the work is commenced as evidenced by successive approved inspections. Before such work may be resumed, a new permit shall first be obtained, and the fee shall be one-half ( 1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications of such work, and that suspension or abandonment has not exceeded one (1) year. Where a permit has expired for more than one (1) year, a new permit must be obtained at full fee.

2. Any permittee holding an unexpired permit may apply for an extension of time within which to commence work under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The sign code administrator may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. Prior to extending the permit, the sign code administrator may require the plans to be re-examined and/or on-site inspections to be made, the cost of which will be paid by the applicant requesting the extension of the permit. The development services department director may condition an extension of a permit on compliance with any amendments to this sign code adopted after issuance of the initial permit.

E. *Suspension or revocation.* The development services department may, in writing, suspend or revoke a permit under the provisions of the Tucson Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of the Tucson Code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-20. Effect of issuance.**

No permit issued for a sign shall be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall any permit issued constitute a defense in an action to abate a nuisance.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-21. Approval of standard plans.**

A fabricator may submit plans for a sign to the sign code administrator for approval and file as a standard. Thereafter, permits may be obtained for such signs without filing detailed structural plans. Such signs shall be given a standard number by the fabricator, and the standard number shall be shown on each permit application. Standard engineering (such as that currently used by members of the Arizona Sign Association) may be submitted to the sign code administrator for approval and filed as a standard. If such standards are submitted and approved for use by more than one contractor, a list of all contractors authorized to use that standard must be submitted to the sign code administrator by the originator(s) of that standard.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)



## **Sec. 3-22. Inspections.**

### **A. General.**

1. All signs for which a permit is required shall be subject to inspection, and certain types of construction shall have continuous inspection by special inspectors as required by section 3-23.

2. A survey of the lot may be required by the sign code administrator to verify that the structure is located in accordance with approved plans. It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. The city shall not be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**B. Inspection requests.** It shall be the duty of the person doing the work authorized by a permit to notify the development services department that such work is ready for inspection. The sign code administrator or chief building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request must be through the inspection request line.

**C. Approval required.** No work shall be done on any part of the structure beyond the point indicated in each successive inspection without first obtaining the approval of the sign code administrator. Such approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required in subsection D, below.

### **D. Required inspections.**

1. A site review inspection is required on all permit applications, except for portable signs and for temporary signs for which a sign permit is required.

2. At the time of the required site inspection, the inspector will verify that the site complies with the information contained in the sign permit application. The inspector will inform the applicant of any discrepancy or violations found on the site. The requested permit shall not be issued until the site is brought into compliance with this sign code or plans are modified to conform to the site. At the time of the required site review, billboard sites must be staked indicating property lines, required zoning setback, type and size of billboard, and where the leading edge of the billboard will be. Site address must be on billboard. See section 3-16(D) for additional construction specifications. Failure of city staff to perform any of the duties in this section shall not be a basis for validating any violation of any code.

3. Footing inspections are required on all detached signs.

4. The development services department, upon notification from the permit holder or his agent, shall make the required inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with this sign code.

### **E. Re-inspections.**

1. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. A re-inspection fee may be assessed when the permit card is not properly posted on the work site, when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the sign code administrator. This fee must be paid prior to the acceptance of any further re-inspection requests by the development services department and is in addition to any fee due for a subsequent re-inspection.

2. The re-inspection fee shall be charged for the third and subsequent inspections.

3. To obtain a re-inspection, the applicant must pay the re-inspection fee in accordance with Development Standard 1-05.7.0.

4. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

F. *Final inspection.* The person erecting, altering or relocating a sign shall request a final inspection upon completion of the work for which permits have been issued. Final inspections on installed signs must be completed prior to the issuance of a certificate of occupancy.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-23. Special inspector required.**

A. The following sign types shall be subject to continuous inspection by special inspectors as provided in Chapter 1 of the International Building Code.

1. All detached sign structures exceeding one hundred (100) square feet in area or twenty-five (25) feet in overall height.

2. All signs attached to a building in excess of thirty (30) feet from the bottom of the sign to grade, if, in the opinion of the plans examiner, the subject sign and/or the particular building structure and/or the method of attachment constitutes an unusual and/or dangerous structure and/or attachment.

B. A record of the special inspections shall be submitted to the development services department by the applicant at or prior to final inspection and retained by the development services department with the sign permit application.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-24. Fees.**

All sign permit fees are set forth in Development Standard 1-05.7.0. The citizen sign code committee shall review proposed amendments to the sign permit fees and make recommendations to the mayor and council. The mayor and council shall make the final decision to approve, deny or modify the sign permit fees.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Secs. 3-25--3-30. Reserved.**

## **ARTICLE IV. GENERAL REQUIREMENTS**

### **Sec. 3-31. Regulations established.**

The sign regulations of this sign code shall be subject to the additional requirements, conditions and exceptions specified in this article.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-32. Sign area.**

The area of a sign shall be determined as follows (see Figure 1: Area of a Sign):

A. *Single face sign:*

1. The entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space of a similar nature, together with any frame or other material, color, or condition that forms an integral part of the display and is used to differentiate such sign from the wall against which it is placed, excluding the necessary supports or uprights on which such sign is placed.

2. Where a sign consists only of individual letters, numerals, symbols or other similar components and is painted on or attached flat against the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the area of the square or rectangle that circumscribes the entire message.

B. *Two (2) or more faced sign:* Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that only one face of a double-faced sign shall be considered in determining the sign area when both faces are parallel and the farthest distance between faces does not exceed five (5) feet, or when the interior angle of the sign faces does not exceed 45° if the boards are in a "V" configuration.

Figure 1: Area of a Sign

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-33. Grade.**

A. *General:* The grade of a sign is the elevation of the outside edge of the street or roadway travel lane nearest to the sign measured perpendicular to the travel lane, except as provided in paragraphs B. through D., below.

B. The grade of a sign more than forty (40) feet from the outside edge of the street or roadway travel lane is the lowest point of elevation of a finished surface within a twenty (20) foot radius of the base of the sign.

C. *Freeway grade:* For freeway signs and billboards, the freeway grade is the elevation of the outside edge of the freeway travel lane nearest to the freeway sign or billboard.

D. A Sign Code Administrator's determination, taking into consideration the surrounding conditions, location of vehicular access points, and topography, is required for any sign located on a finished surface which is five (5) or more feet below the elevation of the outside edge of the street or roadway travel lane nearest to the sign measured perpendicular to the travel lane.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10864, § 1, 12-14-10; Ord. No. 10951, §§ 1 and 2, 12-20-11, eff. 1-20-12; Ord. No. 11032, § 1, 11-7-12\*)

**\*Editor's note** – Section 3 of Ord. No. 10864, as amended by Section 2 of Ord. No. 10951 and Section 1 of Ord. No. 11032, provides: "The provisions of this Ordinance amending Sections 3-33 and 3-82 of the Sign Code shall cease to be effective on January 31, 2016, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to this amending Ordinance. The purpose of this sunset clause is to give the City the opportunity to decide whether to continue to implement Sections 3-33 and 3-82, as amended or to revert to those provisions existing prior to this Ordinance."

**Sec. 3-34. Premises.**

A premises is all contiguous land used and occupied by a use or business. All buildings, parking, storage and service areas, and private roads or driveways that are an integral part of the use or business are considered part of the premises. Commercial shopping centers, office complexes, commercial or industrial

subdivisions, or similar developments are a premises to the extent such lands are identified as a single site for zoning under an approved development plan.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-35. Maximum sign area.**

Maximum sign area is determined in accordance with Article V, except that the maximum on-site total sign area for commercial, office or industrial uses located within two hundred fifty (250) feet of a freeway shall be four (4) square feet per foot of those portions of street frontage located within two hundred fifty (250) feet of the freeway.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-36. Setback.**

The sign and structure must be installed on private property and set back at least twenty (20) feet from the face of the curb, unless otherwise specified in this sign code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-37. Signs near residences.**

No off-site sign shall be permitted if such sign faces the front or side yard of any lot within any residential district and is located within one hundred fifty (150) feet of such lot line.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-38. Multiple frontage lots.**

On corner lots and other lots with more than one street frontage, the maximum allowable number and square footage of on-site signs are permitted for each street frontage. The maximum allowances, however, are not transferable either in whole or in part from one street frontage to another.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-39. Intersection corner sign.**

A. When a sign is erected at the street intersection corner of the lot and is placed in such a manner so as to be readable from both streets or both frontages, the sign shall not exceed the maximum area allowed for the longest street frontage.

B. The sign shall count as one sign for each street frontage.

C. The area of the sign shall be deducted from the allowable sign area for each street frontage.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-40. Signs per street frontage.**

A. *General rule:* For premises having more than one street frontage, the maximum allowable number and square footage of on-site signs are permitted for each street frontage and are not transferable either in whole or in part from one street frontage to another.

B. *Freestanding sign exception:* The more stringent restrictions of the sign district shall apply to freestanding signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-41. Access regulated.**

No sign or its supporting members shall be erected, altered or relocated so as to interfere with or restrict access to a window or other opening in a building in such a manner as to unduly limit air circulation or obstruct or interfere with the free use of a fire escape, exit, standpipe, stairway, door, ventilator, window or similar opening, provided however that the sign code administrator may approve another form of sign or its attachment when, in his or her judgment, that sign will not restrict access to the openings.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-42. Integrated architectural features.**

To encourage and promote a harmonious relationship between buildings and signs, the sign code advisory and appeals board is authorized to approve a special permit in accordance with Article XI of this sign code for signs that are designed into and constructed as part of an integrated architectural feature of a building where strict application of the provisions of this sign code would otherwise prohibit such signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-43. Signs over public rights-of-way.**

A. Except as provided in paragraph B below, a sign or sign structure shall not project over a public right-of-way or public property unless the mayor and council grant a special license. Signs licensed pursuant to this section may be displayed for up to sixty (60) days. The licensee shall remove the sign within forty-eight (48) hours after the advertised event.

B. The city manager may grant a special license for building and curbside banners and for across-the-street banners that project or extend over a public right-of-way or over public property, subject to the following:

1. The sign shall relate only to city-wide civic events sponsored by non-profit organizations or by individuals conducting the event on a non-profit basis (with fundraising proceeds used for a community benefit). For purposes of this section, a city-wide civic event is one that:

- a. Is open to the public and does not discriminate against patrons in any manner; and
- b. Celebrates or commemorates the historical, cultural and ethnic heritage of the city and the nation; increases the community's knowledge and understanding of critical issues, with the purpose of improving citizens' quality of life; or enhances the educational opportunities of the community; or
- c. Generates broad community appeal and participation; or
- d. Instills civic pride in the city, state or nation; or
- e. Contributes to tourism; or

- f. Is identified as a unique community event.
2. No sign shall be attached to electric wiring or be energized by electricity.
3. No sign shall be placed upon traffic signal posts or signs, and no sign shall obstruct a motorist's view of traffic signals.
4. Any application for a license for a sign attached to utility poles or lamp poles shall include the written approval of the department of transportation of the city and the authorized official of the public utility company owning the poles to which the devices would be attached as to the size and weight of the sign and the manner of attachment to the poles. Building and curbside banners shall comply with the applicable requirements of Article V. No sign shall be attached to any utility pole carrying primary circuits or to any wooden pole or public property.
5. Signs licensed pursuant to this section may be displayed for up to sixty (60) days. The licensee shall remove the sign within forty-eight (48) hours after the advertised event.
6. In no event may signs relating to more than one event be attached to any single pole.
7. The license shall state the location where the sign may be placed.
8. By accepting any license granted under this section, the licensee and its heirs, successors and assigns shall agree to indemnify the city as provided in section 3-116 and shall provide proof of liability insurance as provided in section 3-117.
9. The city manager may impose such additional administrative requirements as may be necessary to give effect to this sign code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

#### **Sec. 3-44. Illumination.**

Unless otherwise prohibited in this sign code, all signs may be illuminated subject to the provisions of Tucson Code, Chapter 6, Article IV, Division 2, "Outdoor Lighting Code."

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

#### **Secs. 3-45--3-50. Reserved.**

## **ARTICLE V. SIGN TYPES AND GENERAL REGULATIONS**

This Article V describes the basic sign types that are either permitted or prohibited in the specific sign districts established in Article VI. A sign type that is listed in this Article V that is not expressly permitted in a sign district by Article VI, is prohibited in that district. Any specific regulation of a sign type that is listed in Article VI for a specific sign district supersedes the general requirement for the sign type listed in this article for that sign district.

#### **Sec. 3-51. Generally permitted signs.**

A. The signs contained in this section are permitted throughout the city, regardless of sign district, unless otherwise designated.

B. Reserved.

C. Emergency site locator.

1. No permit is required.

2. Not included in the calculation of total allowable sign area.

3. Emergency site locators shall:

a. Identify each building in accordance with the requirements of the building code as adopted by this jurisdiction.

b. Be located at each vehicle entrance into a complex.

c. Be either mounted on building walls (or other structures) or placed as freestanding structures.

d. Be readily visible and readable by emergency vehicle operators entering the complex.

e. Be easily readable at night, either by individual illumination, color or area illumination.

f. Be oriented in the same direction as the complex it describes (*i.e.*, if north is to the right, north will be on the right of the sign).

g. Include a round, red disc "you are here" symbol.

h. Designate all the entryways, driveways, fire department access points, buildings and other pertinent structures in the complex.

i. Identify, if existing on site:

(1) Buildings and other structures by address, numerical, alphabetical or other symbol designation.

(2) Fire hydrants.

(3) Electrical main disconnects.

(4) Gas shutoff valves.

(5) Elevators.

(6) Special hazards, such as chemical generators, fuel storage tanks, etc.

(7) Stairs.

(8) Swimming pools.

(9) Bodies of water with bridges noted.

(10) Railroad tracks.

(11) Fences and walls with locations of gates.

4. Maximum area:

a. Complexes with fewer than fifty (50) units: Twelve (12) square feet.

- b. Complexes with fifty-one (51) to three hundred (300) units: Twenty-four (24) square feet.
- c. Complexes with three hundred one (301) to six hundred (600) units: Thirty-six (36) square feet.
- d. Complexes with more than six hundred (600) units: Forty (40) square feet.
- 5. Maximum height: Ten (10) feet.

D. Incidental signs.

- 1. No permit is required.
- 2. Not included in the calculation of total allowable sign area.
- 3. Maximum area per sign: Two (2) square feet.
- 4. An incidental sign must be attached to the building or structure as an attached sign.

E. Political election signs.

- 1. Maximum area:
  - a. Single family and multiple family residential districts: Six (6) square feet.
  - b. All other districts: Fifty (50) square feet.
- 2. Maximum height: Ten (10) feet.

3. Removal: Shall be removed not later than fifteen (15) days after the election to which they refer, except that winners of a primary election need not remove their signs until fifteen (15) days after the general election.

4. Placement limitations:

- a. May be placed on private property only.
- b. Shall not be placed without the permission of the property owner, as provided in section 3-17.
- c. Shall not be placed in the public right-of-way or on public property.
- d. Shall not obstruct the view of motor vehicle operators or create a traffic hazard, as provided in section 3-54.

e. The general setback requirement of section 3-36 does not apply.

5. No sign permit required.

6. Not counted against a property's otherwise allowable signage area.

7. Responsible party: The person or organization planning to erect political election signs shall first file with the sign code administrator the name, address and telephone number of a person who shall be responsible for the proper erection and removal of the signs.

8. Maintenance: Political election signs must be maintained as provided in Article VII of this sign code.



F. Portable construction signs. Portable construction signs to advertise those businesses immediately adjacent to and affected by road or water construction are allowed in all districts subject to the compliance with section 3-64.

G. Time, temperature and weather displays (TT&W).

1. General: May be integrated into other allowable sign types without counting toward the allowed signage area.

2. Maximum faces: Two (2).

3. Maximum area: Sixty-six (66) square feet maximum per face, but not to exceed thirty (30) percent of the allowed area of the sign in which the TT&W is integrated.

4. Allowable number: One (1) per site, except on corner lots where two (2) are allowed but may not add to the number of freestanding signs allowed on a site.

5. Maximum height: Same as the sign type in which the TT&W is integrated.

H. Vehicle signs. Vehicle signs are allowed only where all of the following conditions are met:

1. The primary purpose of such vehicle or equipment is not the display of signs.

2. Signs are painted upon or applied directly to an integral part of the vehicle or equipment, do not extend beyond the horizontal or vertical profile of the vehicle, and are not mounted on the truck bed.

3. Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which such signs relate.

4. Vehicles and equipment are not used primarily as static displays advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the public.

5. During periods of inactivity exceeding five (5) days, such vehicle/equipment are not so parked or placed that the signs thereon are displayed to the public. Vehicles and equipment engaged in active construction projects and on-premises storage of equipment and vehicles leased or rented to the general public by a business engaged in vehicle leasing shall not be subject to this condition.

I. Wall signs, multipurpose facility.

1. Notwithstanding any other limitations and restrictions set forth elsewhere in this sign code, a multipurpose facility is permitted to include as part of its wall signage one (1) or more light emitting diode (LED) or other electronic banners and/or video displays that may include continuously moving words and images. These components shall be used in ticketing areas and other pedestrian gatherings where, in the opinion of the city engineer, such signage will not create a traffic hazard and will not be visible or will be only incidentally visible from public rights-of-way or adjacent properties.

2. For purposes of this section, the term "multipurpose facility" has the meaning set forth in the definition found at Arizona Revised Statutes section 48-4201.

J. Window signs are permitted wherever wall signs are permitted.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

## **Sec. 3-52. Exempt signs.**

The provisions of this sign code, including the requirements for permits, shall not apply to the following specified signs, nor shall the area of such signs be included in the area of signs permitted for any parcel or use.

A. *Flags:* Flags, emblems or insignias of any nation or political subdivision.

B. *Memorial signs or tablets:* Memorial signs or tablets, names of buildings, and dates of building erection, when cut into the surface or facade of a building.

C. *Murals.*

D. *Specially licensed signs:* Signs on or over public right-of-way permitted by the mayor and council or special license, such as signage on bus benches and buses.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-53. Prohibited signs enumerated.**

No person shall erect, alter, or relocate any sign of the type specified in this section, or of the types specified in sections 3-54 and 3-55.

A. *Animated and intensely lighted signs:*

1. No sign shall be permitted that is animated by any means, including flashing, scintillating, blinking, or traveling lights, or any other means not providing constant illumination, except as allowed as a historic landmark sign (HLS) per Sec. 3-70.

2. No sign shall be permitted that because of its intensity of light constitutes a nuisance or hazard to vehicular traffic, pedestrians or adjacent properties.

B. *Electronic message center:* An electronic or electronically controlled message board, where scrolling or moving copy changes are shown on the same message board or any sign which changes the text of its copy electronically or by electronic control more than once per hour.

C. *Fixed balloon signs:*

1. Except as allowed as a temporary sign, as provided in this Article V.

2. Prohibition does not apply to manned hot air balloons.

D. *Flags or pennants:*

1. Flags, other than those of any nation, state or political subdivision, except as allowed as a temporary sign, as provided in this Article V.

2. Propellers, hula strips and pennants, except as allowed as a temporary sign, as provided in this Article V.

E. *Miscellaneous signs, posters and satellite disks:* The tacking, painting, pasting or otherwise affixing of signs or posters of a miscellaneous character, visible from a public way, on the walls of a building, barns or sheds, or on trees, poles, posts, fences or other structures, is prohibited. No signage of any type is permitted on satellite dishes or disks.

F. *Moving signs:*

1. No sign or any portion thereof shall be permitted that moves or assumes any other motion

constituting a non-stationary or non-fixed condition, except as allowed as a historic landmark sign (HLS) per Sec. 3-70.

G. *Roof signs*: Signs that are erected upon, against, or directly above a roof, or on top of or directly above the parapet of a building, except as allowed as a historic landmark sign (HLS) per Sec. 3-70.

H. *Sound, odor or visible matter*: Any advertising sign or device that emits audible sound, odor or visible matter.

I. *Vehicle signs*: Signs mounted upon, painted upon, or otherwise erected on trucks, cars, boats, trailers or other motorized vehicles or equipment are prohibited, except as specifically provided in section 3-51.H.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 3, 6-28-11)

### **Sec. 3-54. Signs creating traffic hazards.**

No sign shall be permitted at the intersection of any street in such a manner as to obstruct free and clear vision of motor vehicle operators. No sign shall be located at any location where by reason of its position, shape, or color it may interfere with or be confused with any authorized traffic sign, signal or device. No sign may make use of a word, symbol, phrase, shape or color in such a manner as to interfere with, mislead, or confuse traffic.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-55. Signs in public areas.**

No sign shall be permitted on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare, except as expressly authorized by this sign code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-56. Awning signs.**

A sign constructed of cloth, plastic or metal and permanently affixed to a structure intended to provide shade.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-57. Banners.**

A piece of fabric permanently attached by one or more edges to a pole, rod or cord. Banners may be attached to a building, where permitted, or placed along a curb.

A. Not allowed for nonresidential or home occupation uses.

B. The area of curbside banners shall not be included in the calculation of total allowable sign area.

C. Removal: Faded or tattered banners must be replaced or removed at the direction of the sign code administrator.

D. Right-of-way: Banners may extend or project over a public right-of-way or public property only

as provided in section 3-43B.

E. Copy limitation: Banners may include logos and pictographs but shall not contain any other lettered copy, except:

1. They may include festive or seasonal proclamations or may announce cultural or civic events that are open to the public. In such case, the banner may devote up to twenty-five (25) percent of the surface area to the name and/or logo of one public, private or commercial sponsor.

2. A banner meeting the criteria for festive or seasonal proclamations may be displayed for sixty (60) days or less and shall be removed within forty-eight (48) hours after the seasonal, cultural or civic event.

F. Maximum area: Twenty-five (25) square feet.

G. Minimum area: Six (6) square feet.

H. Maximum number: One (1) for every fifteen (15) feet of building length per street frontage. On buildings having more than one street frontage, the maximum allowable number of banners is not transferable from one street frontage to another.

I. Minimum distance from ground level to bottom of banner: Ten (10) feet.

J. Allowable height: May not extend above the facade or eave of the building or structure and shall not exceed forty (40) feet above grade.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-58. Billboards.**

A. *Permitted locations:* On undeveloped property in the C-2, C-3, I-1 and I-2 zoned property and only within the general business district and the industrial district as set forth in section 3-76 and section 3-79 of Article VI of this sign code.

B. *Maximum area per face, including embellishments:*

1. Generally: Six (6) feet by twelve (12) feet.

2. Within two hundred fifty (250) feet of a freeway: Three hundred seventy-eight (378) square feet.

3. Limitations:

a. No more than two (2) faces per sign.

b. Vertical or horizontal stacking is not permitted.

C. *Maximum height:*

1. Generally: Sixteen (16) feet from grade to top of sign.

2. Within two hundred fifty (250) feet of freeway: Thirty-five (35) feet from freeway grade to top of sign.

D. *Minimum clearance:* Four (4) feet from grade to bottom edge of sign.

E. *Minimum separation:*

1. Generally: The minimum distance between a billboard and an existing billboard shall be six hundred sixty (660) feet, measured in all directions and regardless of jurisdiction.
2. Within two hundred fifty (250) feet of a freeway: The minimum distance between a billboard located within two hundred fifty (250) feet of a freeway and an existing billboard shall be one thousand nine hundred eighty (1,980) feet measured in all directions and regardless of jurisdiction.

F. *Minimum setback:* No billboard or part of a billboard shall be located within two hundred (200) feet of a residential zone boundary line.

G. *Orientation:* Billboard faces shall be oriented perpendicular to the road on which they are located.

H. *Prohibited locations:*

1. On property with the following zoning: LUC Article II, Zones, Division 2 Rural Residential zones (all); Division 3, Urban Residential zones (all); Division 4, Office zones (all); "RVC" Rural Village Center Zone, "NC" Neighborhood Commercial Zone, "C-1", Commercial Zone, "P" Parking Zone and "RV" Recreational Vehicle Zone of Division 5, Commercial zones; Division 6, Mixed Use Zones (all); "P-I" Park Industrial Zone of Division 7, Industrial Zones; Scenic Corridor Zone, Airport Environs Zone (unless prior approval in writing by Federal Aviation Administration) and Historic Preservation Zone of Division 8, Overlay zones.

2. Any developed property. Billboards on undeveloped property may remain when there is new development as long as the entire site fully conforms to the Tucson Land Use Code (LUC), including LUC Sec. 3.5.4.26.

3. Within four hundred (400) feet of the future right-of-way of gateway routes as designated in the Major Streets and Routes Plan.

I. *Prohibited advertising display:* Notwithstanding any other provision of the Tucson Sign Code, billboards may not change advertising copy by any type of electronic process or by use of vertical or horizontal rotating panels having two or more sides whereby advertising copy is changed by the rotation of one or more panels.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-59. Directory signs.**

A. Permitted in the medical-business-industrial park district and the planned area development district only.

B. Maximum faces: Two (2) per sign.

C. Maximum area: Two (2) square feet per occupant plus twenty (20) percent additional square feet for a directional map.

D. Maximum height: Ten (10) feet.

E. Maximum clearance: Five (5) feet between grade and bottom of sign.

F. Setback: None required, except a pull out area for vehicles to pause without inhibiting through traffic.

G. Not permitted in public right-of-way, as provided in section 3-73.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-60. Freestanding signs.**

A. *Monument type sign, general requirements:*

1. Maximum faces: Four (4) per sign.
2. Maximum area: Fifty (50) square feet per face.
3. Maximum height: Ten (10) feet from grade.
4. Minimum setback: Twenty (20) feet from curb to leading edge of sign.

B. *Low profile type sign, general requirements:*

1. Maximum faces: Two (2) per sign.
2. Maximum area: Sixty (60) square feet per face.
3. Maximum height: Eight (8) feet, or less than eight (8) feet if the setback from the curb is less than sixteen (16) feet (see Table 1).
4. Minimum setback from curb to leading edge of sign: See Table 1.

Table 1

Distance from Curb to Leading Edge of Sign	Maximum Allowable Height
---	-----------------------------

0'0"	0'0"
1'0"	0'6"
2'0"	1'0"
3'0"	1'6"
4'0"	2'0"
5'0"	2'6"
6'0"	3'0"
7'0"	3'6"
8'0"	4'0"
9'0"	4'6"
10'0"	5'0"
11'0"	5'6"

12'0"	6'0"
13'0"	6'6"
14'0"	7'0"
15'0"	7'6"
16'0" or more	8'0"

5. Minimum continuous base (clearance from grade to bottom of sign): Two (2) feet.

C. *Freestanding pole sign requirements:*

1. Maximum faces: Two (2) per sign.
2. Maximum area: Seventy-two (72) square feet per face.
3. Maximum height: Twelve (12) feet.
4. Minimum setback: Thirty (30) feet from curb to leading edge of sign.

5. Pole cover: The sign structure configuration must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angles, iron, cables, internal back framing, bracing, etc.). Minimum requirement is eighteen (18) inches by six (6) inches. The pole cover or architectural embellishment shall require a plan check for construction specifications in accordance with applicable technical codes.

6. When allowed: Allowed only when there is a minimum of two hundred twenty-five (225) feet of street frontage, or one hundred twenty-five (125) feet of street frontage and four (4) or more business addresses.

7. Maximum number: Only one (1) freestanding pole sign allowed per street frontage per premises.

8. Allowed only in the general business district; industrial district; medical-business- industrial park district; park district and planned area development district.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-61. Freeway sign.**

- A. Permitted in the general business district and the industrial district only.
- B. Permitted locations: Must be within two hundred fifty (250) feet of a freeway right of way.
- C. Maximum area: Three hundred sixty (360) square feet.
- D. Maximum height: Forty-eight (48) feet from freeway grade to top of sign.
- E. Minimum clearance: Fourteen (14) feet from grade to bottom of sign.
- F. Maximum number: One (1) per premises.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-62. Menu boards.**

- A. *Maximum area:* Forty-eight (48) square feet.
- B. *Maximum height:* Seven (7) feet.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-63. Parking signs.**

- A. Sign types: A parking sign may be a wall or freestanding sign.
- B. Permitted locations: Parking signs are permitted wherever the sign type of which it is a part is permitted.
- C. Sign size: Parking signs are governed by the same requirements as the sign type of which it is a part.
- D. Parking symbol: Parking signs must include the standard parking identification symbols:
  - 1. The parking identification symbol must include the letter "P" in 18-to 32-inch tall lettering on a solid-colored background.
  - 2. The letter "P" and the solid background must be enclosed within a one- to two- inch wide rectangular border.
- F. The height of any additional lettering shall not exceed fifty (50) percent of the height of the letter "P."

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-64. Portable (A-frame) signs.**

- A. An A-frame or portable sign is an on-site square in shape non-illuminated sign temporarily authorized for one (1) year used to advertise the location, goods or services offered on the premises. The portable or A-frame sign must be made of a durable, rigid material such as, but not limited to, wood, plastic or metal.
- B. A-Frames or portable signs are prohibited from any form of illumination, animation, movement and miscellaneous attachments including, but not limited to, balloons, ribbons, speakers etc.
- C. A-frame or portable signs are not permitted in the public right-of-way except where a temporary revocable easement has been granted for their placement.
- D. *Maximum height and width:* The A-frame or portable sign when placed in an open position must not exceed a height of thirty (30) inches from ground level to the top of the sign and be no more than thirty (30) inches wide.
- E. *Maximum number:* One (1) per business. Does not count against maximum allowed sign area. The A-frame or portable sign must be removed from the street at the close of business.
- F. *Districts:* A-frames and portable signs are regulated by district: they are permitted in the general business district, industrial business district, planned area development district, pedestrian business district and historic district subject to subsection 3-64(G) below. Subject to the other restrictions under this section, A-frames or portable signs are allowed in all districts to advertise those businesses immediately adjacent to



and affected by road or water construction pursuant to section 3-51(F).

G. *Historic district:* An A-frame or portable sign may be permitted in a historic district after review and approval by the development services director, the applicable historic district advisory board and the Tucson Pima County Historical Commission.

H. *Decal required:* A decal issued by the city for placement of any A-frame or portable sign shall be displayed on the upper right hand corner of each visible advertising face. An A-frame or portable sign authorized to be located in the city's public right-of-way shall display a decal of a different color than signs not authorized to be in the public right-of-way.

I. *Permission required:* The permission of the property owner for use of the sign is also required.

J. *Sign maintenance:* The A-frame or portable sign shall be properly maintained as required in Article VII.

K. *Application process:* By signing and submitting the application the applicant verifies the following:

1. The property owner or management company is in compliance with their current lease agreement in regard to the permissibility of A-frame or portable signs.

2. The applicant is responsible to research and verify right-of-way information to ensure that the proposed location of the A-frame or portable sign is on private property and is not located in the city's public right-of-way.

L. *Site inspection:* A site inspection is not required as part of the application and permit process for A-frame or portable signs that are not located in the public right-of-way. For A-frame or portable signs located in the public right-of-way, the sign code administrator may require site inspection or additional inspections described in section 3-22 of this sign code to ensure proper placement.

M. *Refunds:* No refunds of application or annual permit fees will be given under any circumstance.

N. *Placement:* The A-frame or portable sign must be located at least two (2) feet back from the face of the curb. No A-frame or portable sign shall be located in a median, driving lanes, parking aisles or spaces. An A-frame or portable sign is not permitted in the City's public right-of-way without a temporary revocable easement. An A-frame or portable sign shall be placed so that a minimum four (4) feet is left clear for pedestrian passage on all sidewalks and walkways. An A-frame or portable sign shall only be placed at grade level and shall not be placed on walls, boulders, planters, vehicles, other signs or any other type of structure.

O. *Temporary revocable easement:* A license to permit the placement of a temporary A-frame or portable sign in the public right-of-way may be granted administratively by the sign code administrator upon the written terms and conditions as are required by the sign code administrator and contained in the written license agreement. The applicant will submit a written application upon a form to be supplied by the office of the sign code administrator. The sign code administrator will then approve or deny such application. A license to permit an A-frame or portable sign in the public right-of-way shall not be granted until all other applicable permit requirements contained in this Code are met.

P. If at any time after a license is granted, any portion of the public right-of-way occupied and used by the licensee may be needed or required by the city or the licensee fails to maintain the permitted sign so as to block pedestrian traffic, site visibility, or as described by such specific terms and conditions set forth by the sign code administrator, any license granted pursuant to this section may be revoked by the city and all rights there under are terminated. The licensee shall and will promptly remove all property belonging to the licensee from the public right-of-way area upon receipt of written notice of revocation. If removal is not accomplished by the licensee within the time specified in the notice, the city will cause the sign to be removed and stored and the cost thereof shall be charged to the licensee. Notwithstanding the foregoing,

any A-frame or portable sign placed in violation of the provisions of this section is deemed to be a public nuisance and subject to removal by the city.

Q. *Removal of sign:* In addition to the penalties described below, the sign code administrator may remove any A-frame or portable sign that is placed in violation of this sign code. The sign code administrator may immediately remove, without prior notice, any A-frame or portable sign illegally placed in the right-of-way or site visibility triangle, or that for any reason presents an immediate hazard. For any A-frame or portable sign otherwise illegally placed, the sign code administrator may remove the sign after providing reasonable notice to the responsible party.

R. *Penalties:* If an A-frame or portable sign is not permitted or is placed incorrectly or is otherwise in violation of this section, the following civil penalties will apply:

1. For a first offense, the sign code administrator shall issue a warning notice and shall affix a notice on the face(s) of the non-compliant sign, but not in a manner so as to damage the sign.
2. For a second offense, the minimum mandatory fine shall be one hundred thirty dollars (\$130.00).
3. For a third offense, the minimum mandatory fine shall be two hundred fifty dollars (\$250.00).
4. For a fourth or subsequent offense, the minimum mandatory fine shall be five hundred dollars (\$500.00).

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-65. Real estate signs.**

a. *[Sign area:]* Real estate signs are not counted against otherwise allowable sign area.

b. *Real estate announcement sign, general requirements:*

1. General: Must identify the project and may include leasing information such as a contact person, type of occupancy, opening date, or special features concerning the proposed development.

2. Maximum faces: Two (2).

3. Maximum area: Thirty-two (32) square feet per face.

4. Maximum height: Ten (10) feet.

5. Maximum clearance: Five (5) feet.

6. Maximum number per street frontage: One (1).

7. Removal: Prior to installation of any permanent signage for this location.

c. *Real estate construction sign, general requirements:*

1. Maximum faces: Two (2).

2. Maximum area: Thirty-two (32) square feet per face.

3. Maximum height: Ten (10) feet.

4. Maximum number: One (1) per street frontage.

d. *Real estate development sign, general requirements:*

1. Copy changes are allowed for minor items, such as price, phase or unit changes, without a new permit.
2. Street location: Major streets (such as section line street, half section line streets, freeways and parkways) within two miles of project.
3. Maximum number and area: Three (3) signs at seventy-two (72) square feet each, or six (6) signs at fifty (50) square feet each.
4. Maximum height: Ten (10) feet.
5. Minimum clearance: Two (2) feet.
6. Interval limitation: None.
7. Removal: Immediately when properties are sold.
8. Permit duration: First permit good for twenty-four (24) months. Renewal permits for twelve (12) months each, subject to evidence of a continuing sales program.

e. *Real estate directional sign, general requirements:*

1. General: Shall carry the identity and address of the sign owner.
2. Maximum area: Four (4) square feet.
3. Maximum height: Three (3) feet.
4. Prohibited on public right-of-way.
5. Removal: Immediately upon sale, rental or lease of property.

f. *Real estate for sale or lease sign, general requirements:*

1. General: May display the identification of a real estate agent or broker or of the owner of the premises.
2. Maximum area:
  - (a) Residential properties: Four (4) square feet.
  - (b) Nonresidential properties: Thirty-two (32) square feet.
3. Maximum number: One (1) per street frontage.
4. Removal: Immediately upon sale, rental or lease of property.

g. *Real estate project identity entrance sign, general requirements:*

1. Permitted locations: At major street entrances to the subdivision or a separately named portion of the recorded subdivision.
2. Maximum allowable sign area: Twenty (20) square feet.

3. Maximum number: Two (2) signs per street entrance.

4. Maximum faces: One (1) per sign.

5. Maximum height: Eight (8) feet from grade to top of sign.

h. *Real estate rental development sign, general requirements:*

1. Copy is limited to project name, address, direction, price and features. This sign is not intended to act as advertising for builders, lenders, management companies or realtors.

2. Copy changes are allowed for minor items, such as price, phase or unit changes without new permit.

3. Street location: Major streets (such as section line streets, half section line streets, freeways and parkways) within two (2) miles of the project.

4. Maximum number and area: Three (3) signs at seventy-two (72) square feet each, or six (6) signs at fifty (50) square feet each.

5. Maximum height: Ten (10) feet.

6. Minimum clearance: Two (2) feet.

7. Interval limitation: None.

8. Removal: Within thirty (30) days after achieving ninety (90) percent occupancy of units for rent but not longer than twelve (12) months after issuance.

i. *Real estate subdivision sign, general requirements:*

1. Location: Must be located on the premises of the subdivision.

2. Copy changes are allowed for minor items, such as price, phase or unit changes, without new permit.

3. Maximum faces: Four (4).

4. Maximum area: Two hundred (200) square feet per face.

5. Maximum height: Eighteen (18) feet.

6. Maximum clearance: Two (2) feet.

7. Maximum number: One (1) per subdivision.

8. Removal: Immediately when properties are sold.

9. Permit duration: First permit good for twenty-four (24) months. Renewal permits for twelve (12) months each, subject to evidence of a continuing sales program.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-66. Special event signs.**

- a. *Maximum number:* One (1) per arterial street.
- b. *Maximum area:* Ten (10) feet by ten (10) feet.
- c. *Maximum height:* Seventeen (17) feet.
- d. *Minimum clearance:* Seven (7) feet.
- e. *Erection:* No more than one hundred twenty (120) days prior to the event.
- f. *Removal:* Immediately upon termination of the event.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-67. Temporary signs.**

- a. Temporary non-commercial signs may be displayed for sixty (60) days or less unless otherwise specified in this sign code.
- b. Removal: If the temporary sign relates to a specific event, the sign must be removed within forty-eight (48) hours after the event.
- c. Grand opening, sales and civic events banner, general requirements:
  - 1. *Banners:*
    - (a) All corners must be attached to the building wall or facade.
    - (b) Maximum number: One (1) per street frontage.
    - (c) Maximum area: Ninety (90) square feet.
    - (d) A permit for the use of a banner will be issued for up to forty-five (45) days.
    - (e) Removal. A banner must be removed after forty-five (45) consecutive days.
  - 2. *Pennants:* Pennants will be allowed only for a period of ten (10) days.
  - 3. *Balloon sign:* One (1) balloon sign is permitted per business establishment. A balloon sign is prohibited from having mechanical or electronic movement or animation of any kind. A balloon will be allowed only for a period of ten (10) days.
- d. Banner used as temporary signage, general requirements:
  - 1. All corners must be attached to the building wall or facade or a temporary construction structure during periods of remodeling or road construction.
  - 2. Maximum number: One (1) banner per street frontage.
  - 3. Permit: Issued in 45-day increments. This banner cannot be used for more than a cumulative total of ninety (90) days in any calendar year, except that if banner is used to temporarily advertise business activities during the course of construction, permit may be renewed until construction has been completed.
  - 4. Removal: Upon completion of construction or as stated on the permit for installation of the banner.

5. Maximum area: Ninety (90) square feet.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-68. Traffic directional signs.**

- a. Not permitted in the single family residential district, the O-1 district or the historic district.
- b. Maximum faces: Two (2).
- c. Maximum area: Six (6) square feet per face.
- d. Maximum height: Three (3) feet.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-69. Wall signs.**

- A. May not extend above the top of the facade, eaves, firewall or roofline of a building or structure.
- B. Twenty-five (25) percent additional area of each wall over and above the allowable sign area may be utilized if no other sign types are used or if nonconforming signs are voluntarily removed.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-70. Historic Landmark Signs (HLS).**

#### *A. Definitions.*

*Historic landmark sign (HLS).* A sign that has conditional or final designation as a historic landmark sign. HLS are listed on the City of Tucson Historic Landmark Sign Registry. There are three types of HLS: classic, transitional, and replica.

*Classic HLS.* A historic landmark sign originally installed prior to 1961 at a location that is within the current Tucson city limits.

*Transitional HLS.* A historic landmark sign originally installed between 1961 and 1974 inclusive at a location that is within the current Tucson city limits.

*Replica HLS.* An accurate reconstruction of an original sign that no longer exists. The sign to be replicated must have been originally installed prior to 1961 at a location that is within the current Tucson city limits.

*Historic landmark sign (HLS) character defining features.* Physical features of an HLS such as materials, technologies, structure, colors, shapes, symbols, text, font/typography and/or art that have cultural and historical significance and are integral to overall sign design.

*Historic landmark sign (HLS) concentration.* A minimum of three (3) previously designated HLS, or signs meeting the criteria for designation, within two thousand six hundred and forty (2,640) linear feet (1/2 mile) as measured along the center line of a street, including turning in any direction at the intersection of a street to connect with another designated HLS or sign meeting the criteria for designation, together with an additional four hundred and forty (440) feet (1/16 mile) beyond the terminus HLS. A replica HLS cannot be used as part of the number of HLS in the calculation of a HLS concentration.

*Historic landmark sign (HLS) registry.* The official list of designated historic landmark signs within the City of Tucson.

*Historic landmark sign (HLS) treatment plan.* A detailed description of an HLS including its character defining features, condition, location, and maintenance, and, as applicable, proposed restoration, adaptive reuse, relocation, and, replication. See Sec. 3-70 F.

B. *Purpose.*

1. The Historic Landmark Sign regulations are intended to provide for the preservation of the City of Tucson's unique character, history, and identity, as reflected in its historic and iconic signs, and
2. To restore the sense of place that existed within the central business district and in areas of the city with concentrations of surviving historic signs, and
3. To protect the community from inappropriate reuse of nonconforming and/or illegal signs.

C. *Historic landmark sign (HLS) designation.*

1. Requests for HLS designation shall be initiated by the sign owner and supported by an HLS treatment plan.
2. "As is" HLS designation. An existing sign which will not be restored/repared, adaptively reused, or relocated, and retains sufficient integrity and character-defining historic features, is in working order, and has an acceptable appearance, may obtain HLS designation "as is", upon approval of the treatment plan.
3. Conditional HLS designation.
  - a. The decision to approve or deny an HLS treatment plan that meets each of the HLS designation guidelines is rendered per Sec. 3-70 G.9.a. (administrative).
  - b. The decision to approve or deny an HLS treatment plan that does not meet each of the HLS designation guidelines is rendered per Sec. 3-70 G.9.b. (legislative).
  - c. Approval of an HLS treatment plan shall constitute conditional HLS designation.
4. Final HLS designation. Final HLS designation shall be contingent upon issuance of a sign permit in compliance with an approved HLS treatment plan, and final inspection of the sign within five (5) years of conditional HLS designation. Issuance of a permit is not required for "as is" designation.
5. All signs designated (conditional or final) as historic landmark signs shall be listed in the City of Tucson Historic Landmark Sign Registry.

D. *HLS designation guidelines.* Classic, transitional, and replica HLS shall be reviewed for compliance with the following guidelines.

1. Technical guidelines:
  - a. The sign shall include or have once included exposed integral incandescent lighting, or exposed neon lighting.
  - b. The sign shall use materials and technology representative of its period of construction.
  - c. The sign shall be non-rectangular or non-planar.
  - d. The sign shall be a detached, projecting, or roof sign.

e. The sign is structurally safe or can be made safe without substantially altering its historical appearance.

2. Cultural/historical/design guidelines:

a. The sign shall exemplify the cultural, economic, and historic heritage of Tucson.

b. The sign shall exhibit extraordinary aesthetic quality, creativity, and innovation.

c. The sign is unique; or was originally associated with a chain or franchise business that is either a local or regional chain or franchise only found in Tucson or the southwestern United States; or there is scholarly documentation to support its preservation; or it is a rare surviving example of a once common type.

d. The sign shall retain the majority of its character defining features. If character-defining features have been altered or removed, the majority are potentially restorable to their historic function and appearance.

E. *HLS performance requirements.* Classic, transitional, and replica HLS shall comply with the following requirements as applicable.

1. Restoration/repair.

a. Restoration/repair of a classic HLS shall be consistent with a documented appearance that existed prior to 1961.

b. Restoration/repair of a transitional HLS shall be consistent with a documented appearance that existed between 1961 and 1974 inclusive.

c. Restoration/repair of a replica HLS shall be consistent with a documented appearance that existed prior to 1961.

d. Restoration/repair shall not add typographical or other elements which result in an increase in the size of the restored/repared sign.

2. Adaptive reuse (change of copy).

a. Adaptive reuse of a replica HLS is prohibited.

b. Text changes shall not result in changes to character defining text.

c. Text changes shall match or be compatible with existing text in material(s), letter size, font/typography, and color.

3. Relocation.

a. Relocation of a classic or transitional HLS shall be to a location within the original premises, or to a location within an HLS concentration.

b. Relocation of a replica HLS shall be to a location within an HLS concentration.

c. When relocated, detached HLS shall be setback at least twenty (20) feet from the back of curb (edge of pavement if there is no curb), no more than forty (40) feet from the future right-of-way line of the street, and a distance at least two (2) times the height of the sign from any property with a non-commercial use.

d. If relocated to another premise, the HLS shall display conspicuous text or a plaque, using a



template provided by the City of Tucson, that indicates that the sign has been relocated, the date of relocation, and the original location.

e. The scale and design of the sign to be relocated shall be compatible with existing HLS in the vicinity of the proposed location.

4. Replica HLS.

a. A replica HLS shall be consistent with a documented appearance that existed prior to 1961.

b. A replica HLS may only be installed on the premises where it originally existed.

c. A replica HLS shall display conspicuous text or a plaque, using a template provided by the City of Tucson, that indicates the sign is a contemporary reproduction, and the date of reproduction.

d. A replica HLS shall utilize historical materials and technologies, or visually matching contemporary materials and technologies.

e. A replica HLS shall not replicate an existing sign.

5. The sign shall not be an off-site sign as defined in the sign code.

6. The sign shall not have been previously, altered, removed and reinstalled or replaced pursuant to Sec. 3-96 C.1.

F. *Content of HLS treatment plan.* An HLS treatment plan shall include the following:

1. Completed application form.

2. Existing and proposed elevation of the proposed HLS showing height and area of the sign.

3. Description and age of construction materials and type of illumination.

4. GPS coordinates for the final location of the proposed HLS.

5. Dimensioned site plan, with the existing and proposed land use, graphically showing existing and proposed location and setbacks for the proposed HLS and any other existing or proposed signs on the premises, existing and proposed site improvements, and adjacent streets.

6. Photographs of the existing sign and photo simulation(s) of the completed sign as viewed from the street and other significant vantage points as appropriate, together with photographs of the existing site conditions. Photographs must be sufficient to demonstrate the sign's dimensions, construction materials used including electrical and any types of illumination which is or was used.

7. Date of original construction and installation, and the address where the proposed HLS was first installed.

8. List of character defining features.

9. Documentation of the authenticity of the proposed HLS including approved permits, site plans, elevations, and dated photographs, and age of existing materials, as available.

10. A narrative describing compliance with each of the HLS designation guidelines and all applicable HLS performance requirements.

11. Maintenance program.

12. List of parts and materials to be replaced.

13. Mitigation measures to reduce the impact on non-commercial uses within three hundred (300) feet of the proposed HLS.

G. *Review of HLS treatment plan.* HLS treatment plans shall be submitted to the planning and development services department for review.

1. Pre-submittal conference. Prior to submitting an HLS treatment plan, an applicant may, but is not required to meet with City staff responsible for administration of the HLS program. Comments supplied by City staff during the conference are advisory and do not constitute approval of any proposed application.

2. Neighborhood meeting. A neighborhood meeting is encouraged for a proposed HLS relocation, or for a proposed construction of a HLS replica sign.

3. Initial review. Initial review of an HLS treatment plan or revised treatment plan will be for completeness, compliance with HLS designation guidelines, and compliance with applicable HLS performance requirements. No later than ten days after submittal, the sign code administrator will issue a determination as to whether the request meets each of the HLS technical designation guidelines.

4. Where an applicant produces physical evidence or documentation sufficient to prove that a proposed HLS included intermittent lighting features (e.g. flashing, blinking, chasing or sequentially lit elements which create the appearance of movement) or moving parts, such sign elements may be repaired or restored conditioned upon a determination by Tucson department of transportation (TDOT) that no negative safety issues will result.

5. If the subject property is within a historic preservation zone (HPZ), the treatment plan shall be forwarded to the HPZ advisory board for review and recommendation prior to being forwarded to the Tucson-Pima County Historical Commission (T-PCHC) Plans Review Subcommittee.

6. Review of the treatment plan shall include an analysis of applicable policies of the Tucson general plan.

7. The treatment plan shall be forwarded to the T-PCHC Plans Review Subcommittee for review of the treatment plan for compliance with HLS Cultural/ historic/design designation guidelines and applicable HLS performance requirements. Notice of the treatment plan and subcommittee meeting shall also be provided to the registered neighborhood association in which the proposed sign would be located; to property owners immediately adjacent to the proposed location; and to any persons who have submitted a written request to the director to be notified of HLS applications.

8. The T-PCHC shall forward a recommended list of character defining features, including all character defining text, and a recommendation to approve or deny the treatment plan, to the planning and development services department.

9. Decision.

a. Administrative: The planning and development services director will prepare a written decision to approve or deny the treatment plan within ten (10) days of receiving the T-PCHC Plans Review Subcommittee recommendation.

b. Legislative: The planning and development services director will prepare a written recommendation to approve or deny the treatment Plan within ten (10) days of receiving the T-PCHC Plans Review Subcommittee recommendation and forward it to the mayor and council for a public hearing and decision at the earliest practical date. In granting approval, the mayor and council must find that preservation of the sign will contribute to Tucson's unique character, history, and identity.

H. *Review of permits for HLS.* All permits for the installation, repair/restoration, adaptive reuse,

relocation, or replication of HLS shall be consistent with an approved HLS treatment plan.

I. *Maintenance.* All maintenance activities relating to HLS shall be consistent with an approved HLS treatment plan.

J. *Demolition.* Demolition of HLS shall be consistent with an approved treatment plan for relocation or subject to a maximum thirty (30) day waiting period to facilitate salvage of the sign. The sign owner shall allow reasonable access to the sign to facilitate documentation and salvage activities.

(Ord. No. 10903, § 3, 6-28-11)

## **ARTICLE VI. SIGNS BY DISTRICT**

### **Sec. 3-71. Sign districts.**

The regulations in this Article VI establish the number, size, type, location, and other provisions relating to signs as permitted in the various sign districts of the city. No sign shall be allowed unless expressly permitted within a particular district by this Article VI or otherwise permitted or exempt under this sign code. In case of a conflict between the regulations in this article and the regulations in other articles of this sign code, the more restrictive regulation shall apply. The application and interpretation of sign districts shall be in conformance with section 3-4.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

## **DIVISION 1. RESIDENTIAL DISTRICTS**

### **Sec. 3-72. Single family residential district.**

A. *Location:* The single family residential district includes all property in the rural residential zones, the RX-1, RX-2, R-1 and MH-1 zones, Tucson Land Use Code (LUC) Article II, Division 2 and LUC Sec. 2.3.2, 2.3.3, 2.3.4 and 2.3.8. The single family residential district also includes property in less restrictive zones where the approved site plan, development plan or plat is for a single family dwelling as the principal use. The establishment of a more intensive use in conformance with an approved site plan, development plan or plat shall re-designate the property to the applicable sign district.

B. *Maximum total sign area:*

1. *Nonresidential uses:* Twenty (20) square feet of total sign area per street frontage. On buildings having more than one street frontage, the maximum allowable number and square footage of on-site signs are permitted for each street frontage. The maximum allowance, however, is not transferable either in whole or in part from one street frontage to another.

2. *Home occupation uses:* No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size, as permitted by the Tucson Land Use Code.

C. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Awning signs: For nonresidential and home occupation uses only.
3. Banners, curbside only. Allowed for residential uses only. Not allowed for nonresidential or home occupation uses.
4. Freestanding signs.
  - a. Nonresidential and home occupation uses.
  - b. Monument and low profile only.
  - c. Freestanding signs that include or consist of a three-dimensional representation of a figure or object are prohibited.
5. Real estate signs. Not permitted for home occupation uses.
6. Temporary signs.
  - a. Allowed uses: Residential and nonresidential uses only. Not allowed for home occupation uses.
  - b. Maximum area: Six (6) square feet.
7. Wall signs. Nonresidential and home occupation uses only. Not allowed for residential uses.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-73. Multiple family residential district.**

A. *Location:* The multiple family residential district includes all property in the R-2, R-3 and MH-2 residential zones, Tucson Land Use Code Sec. 2.3.5, 2.3.6 and 2.3.8. The multiple family residential district also includes property in less restrictive zones where the approved site plan, development plan or plat is for a multiple family dwelling as the principal use. The establishment of a more intensive use in conformance with an approved site plan, development plan or plat shall re-designate the property to the applicable sign district.

B. *Maximum total sign area:*

1. *Residential and nonresidential uses:* Fifty (50) square feet.
2. *Home occupation uses:* No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size, as permitted by the Tucson Land Use Code.

C. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Awning signs.
3. Banners, curbside only, for nonresidential uses only.
4. Freestanding signs, monument and low profile only.
  - a. Freestanding signs that include or consist of a three-dimensional representation of a figure or

object are prohibited.

- b. Low profile type sign. Maximum area: Fifty (50) square feet.
- 5. Real estate signs. Not permitted for home occupation uses.
- 6. Temporary signs.
  - a. Not permitted for home occupation uses.
  - b. Maximum area: Six (6) square feet.
- 7. Traffic directional signs. Not permitted for home occupation uses.
- 8. Wall signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-74. Park district.**

The park district is property containing public parks that are either neighborhood parks, district parks or regional parks.

#### *A. Permitted signs.*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

- 2. Awning signs.
- 3. Banners, building and curbside.
- 4. Freestanding signs.

a. Regional parks, consisting of a public park or parks of at least fifteen (15) acres and serving a region of or the entire city.

- (1) Two (2) per arterial street.
- (2) Maximum height: Fourteen (14) feet.
- (3) Clearance: Zero.

b. District parks, consisting of a public park or parks of at least fifteen (15) acres but not more than one hundred (100) acres and serving several neighborhoods.

- (1) Two (2) per entrance.
- (2) Maximum height: Ten (10) feet.
- (3) Clearance: Zero.

c. Neighborhood parks, consisting of a public park or parks of less than fifteen (15) acres and serving the nearby pedestrian population.

- (1) One (1) per entrance.
- (2) Maximum height: Eight (8) feet.
- (3) Clearance: Zero.
- 5. Special event signs. Allowed only in a regional park.
  - a. One (1) per arterial.
  - b. Maximum area is ten (10) feet by ten (10) feet.
  - c. Maximum height: Seventeen (17) feet.
  - d. Clearance: Seven (7) feet.
  - e. Erection: No more than 120 days prior to the event.
  - f. Removal: Immediately upon termination of the event.
- 6. Temporary signs.
- 7. Traffic directional signs.
- 8. Wall signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

## **DIVISION 2. NONRESIDENTIAL DISTRICTS**

### **Sec. 3-75. O-1 zone district.**

- A. *Location:* The O-1 district is property zoned O-1 office zone under Sec. 2.4.1 of the Land Use Code. The O-1 district does not include property where an approved site plan, development plan or plat provides for a single family dwelling or multi-family dwelling as the principal use, or property in the historic districts, the medical-business-industrial park district, the pedestrian business district, the scenic corridor zone (SCZ) district, or the planned area development (PAD) district.
- B. *Maximum total sign area:* Twenty (20) square feet per site.
- C. *Illumination and color:* Signs on arterial and collector streets shall be illuminated only by low pressure sodium lighting and shall not be illuminated between the hours of 10:00 p.m. and 7:00 a.m. Signs located on a local street frontage shall not be illuminated. Color schemes for all sign components, including copy, shall be compatible with surrounding residential areas.
- D. *Permitted signs:*
  - 1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
  - 2. Freestanding signs, low profile type only.
    - a. Maximum number: One (1) per site.

- b. Location: On arterial or collector streets only.
  - c. Maximum faces: Two (2) per sign, back to back configuration only.
  - d. Maximum area: Twelve (12) square feet per face.
  - e. Maximum height: Four (4) feet from grade.
  - f. Minimum setback: Twelve (12) feet from curb to leading edge of sign.
  - g. Freestanding signs which include or consist of a three-dimensional representation of a figure or object are prohibited.
3. Home occupation signs. No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size. Freestanding signs may be the monument and low profile types only.
- 4. Real estate signs.
  - 5. Temporary signs. Maximum area six (6) square feet.
  - 6. Wall signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-76. General business district.**

A. *Location:* The general business district includes property in the O-2 and O-3 office zones, commercial zones, OCR-1, and OCR-2 and MU zones Mixed Use zones, Tucson Land Use Code sections 2.4.2, 2.4.3, 2.5.1, 2.5.2, 2.5.3, 2.5.4, 2.5.5, 2.5.6, 2.5.7, 2.6.1, 2.6.2 and 2.6.4. The General Business District does not include property where an approved site plan, development plan or plat provides for a single family dwelling or multi-family dwelling as the principal use, or property in the historic districts, the medical-business-industrial park district, the pedestrian business district, the scenic corridor zone (SCZ) district, the O-1 district or the planned area development (PAD) district.

B. *Maximum on-site total sign area:*

- 1. Generally: Three (3) square feet per foot of street frontage.
- 2. If any portion of a parcel is within two hundred fifty (250) feet of a freeway: Four (4) square feet per foot of street frontage.

C. *Permitted signs:*

- 1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
- 2. Awning signs.
- 3. Banners, building and curbside.
- 4. Billboards.
- 5. Freestanding signs, all types.

a. *Stand-alone premises:*

- (1) One (1) freestanding sign for each street frontage.
- (2) One (1) additional freestanding sign on that street frontage for each additional one hundred fifty (150) feet of street frontage in excess of the first three hundred (300) feet.
- (3) For each sign placed on the frontage of a local street, the total allowable number of freestanding signs for the arterial or collector street frontage shall be reduced by one.
- (4) A "stand-alone premises" for the purposes of this subsection is a piece of land with definite boundaries, which includes the property and the buildings on it, and is separately owned from any other property. A stand-alone premises must meet the on-site parking requirements under the Tucson Land Use Code without sharing parking with another premises and must provide its own ingress from and egress to the public right-of-way.

b. *Strip development:*

- (1) One freestanding sign per major arterial or collector street to identify the name of the strip development shopping center or for use as an occupant directory. In addition, one freestanding sign will be permitted for each self-contained premises, not to exceed thirty-two (32) square feet in area.
- (2) For the purpose of this subsection, a "self-contained premises" is a piece of land with definite boundaries, which includes the property and the buildings on it, and is separately owned from any other property. A self-contained premises must meet the onsite parking requirements under the Tucson Land Use Code without sharing parking with another premises.
- (3) For the purpose of this subsection, a "strip development" is a development or group of buildings that meets the definition of "premises" found at section 3-34, but shall not include any area treated as a "stand-alone premises" for purposes of this section.
- (4) Malls: One freestanding sign per major arterial or collector street to identify the name of the mall. One freestanding sign not to exceed twenty (20) square feet will be permitted for each detached building included on the same development plan. A "mall" is a shopping center anchored by two (2) or more major department stores with various specialty stores totaling five hundred thousand (500,000) square feet or more of gross building area.

6. Freeway signs.

7. Menu boards.

8. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.

9. Real estate signs.

10. Temporary signs.

11. Traffic directional signs.

12. Wall signs.

a. Maximum size:

- (1) Generally: No more than thirty (30) percent of the area of each wall may be utilized for wall signs.



(2) A wall sign within two hundred fifty (250) feet of a freeway shall be no more than forty (40) percent of the area of each wall.

13. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11)

### **Sec. 3-77. Planned area development (PAD) district.**

A. *Location:* The boundaries of a planned area development (PAD) district are coextensive with each approved PAD, a comprehensively planned development approved by ordinance by mayor and council. The development may combine commercial, administrative, professional, residential, business and other compatible land uses to create an internally oriented, high intensity, mixed use activity center.

B. *PAD compliance:* Sign plans proposed in planned area developments and redevelopment plan areas will be reviewed for consistency with qualitative plan objectives and approved by the city planning director prior to issuance of a sign permit.

C. *Maximum on-site sign area:* Three (3) square feet per foot of street frontage.

D. *Developments with more than one street frontage:* The maximum allowable number and square footage of on-site signs are permitted for each street frontage. The maximum allowance, however, is not transferable either in whole or in part from one street frontage to another, except as provided in subsection E.9, below.

E. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Awning signs.

3. Banners, building and curbside.

4. Directory signs: One (1) per five (5) acres of complex with one additional directory sign per each additional five (5) acres of complex.

5. Freestanding signs, all types. Maximum number: One (1) per building or cluster of buildings (when located on the same lot) per street frontage to be located at the building's street frontage. The allowance for freestanding signs is not transferable either in whole or in part between street frontages, buildings, or lots within the district.

6. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.

7. Real estate signs, all types.

a. Real estate project identity entrance sign, general requirements:

(1) If integrated with landscaping:

(a) *Maximum number:* Two (2).

(b) *Maximum faces:* One (1) per sign.

- (c) *Maximum size:* One hundred (100) square feet per sign.
- (2) If not integrated with landscaping:
  - (a) *Maximum number:* One (1).
  - (b) *Maximum faces:* Two (2) per sign.
  - (c) *Maximum size:* One hundred (100) square feet per face.
  - (d) *Maximum height:* Ten (10) feet measured from the average top of curb of adjacent streets.
- 8. Temporary signs.
- 9. Traffic directional signs.
- 10. Wall signs:
  - a. Maximum size: No more than thirty (30) percent of the area of each wall.
  - b. Any portion of wall sign allowance for a building may be transferred from one street frontage to another for wall sign usage on that specific building.
  - c. The allowance for wall signs is not transferable between buildings or lots within the district.
  - d. The total square feet of wall sign area for a building may be allocated by the building owner among the occupants/tenants of a building.
  - e. Sign placement:
    - (1) Tenant identification signage shall be placed only on a sign band as delineated in building elevation drawings approved with the related development plan.
    - (2) The sign band shall not be located more than three (3) stories above the average finished grade at the building line, except that building and/or tenant signage may be placed within discernible parapets.
- 11. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11)

### **Sec. 3-78. Medical-business-industrial park district.**

- A. *Location:* The medical-business-industrial park district is property within a planned medical, business, or industrial complex of two (2) or more acres and consisting of multiple buildings and tenants that share parking, private streets and signage.
- B. *Maximum total sign area:* Two (2) square feet per foot of street frontage.
- C. *Permitted signs:*
  - 1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
  - 2. Awning signs.

3. Banners, building and curbside.
4. Directory signs: One (1) per two (2) acres of development.
5. Freestanding signs, all types.
  - a. One (1) per street frontage.
  - b. One freestanding sign per building to be located at the building's parking entrance.
  - c. The allowance for freestanding signs is not transferable either in whole or in part from one street frontage to another or one building to another.
6. Real estate signs, all types.
7. Temporary signs.
8. Traffic directional signs.
9. Wall signs. Maximum size: Eight (8) square feet.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-79. Industrial district.**

A. *Location:* The industrial district includes property in the industrial zones, Tucson Land Use Code Sec. 2.7.1, 2.7.2 and 2.7.3. The industrial district does not include property where an approved site plan, development plan or plat provides for a single family dwelling or multi-family dwelling as the principal use, or property in the historic districts, the medical- business-industrial park district, the pedestrian business district, the scenic corridor zone (SCZ) district, or the planned area development (PAD) district.

B. *Maximum total sign area:* Four (4) square feet per foot of street frontage.

C. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Awning signs.

3. Banners, building and curbside.

4. Billboards.

5. Freestanding signs, all types. One (1) per street frontage; except, where a developed parcel has in excess of three hundred (300) feet of street frontage, one (1) additional freestanding sign may be erected for each additional one hundred fifty (150) feet of street frontage in excess of the first three hundred (300) feet of street frontage abutting the developed portion of said parcel.

6. Freeway signs.

7. Menu boards.

8. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.

9. Real estate signs.
10. Temporary signs.
11. Traffic directional signs.
12. Wall signs. Maximum size: no more than forty (40) percent of the area of each wall.
13. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11)

### **DIVISION 3. SPECIAL DISTRICTS**

#### **Sec. 3-80. Historic district.**

A. *Location:* Historic districts include property established as historic preservation zones pursuant to Sec. 2.8.8 of the Land Use Code and designated with the preface "H" which is added to the assigned residential, office, commercial, or industrial zone designation, i.e., R-1 becomes HR-1. For purposes of this sign code, historic districts are treated as specific mapped districts and are not treated as overlay zones. The established city historic districts are as follows:

The following District maps are available in PDF, [click here](#)

B. *Total number of signs:* One (1) per street frontage per premises, except that businesses with frontage on more than two (2) streets are permitted to have a total of no more than three (3) signs.

C. *Maximum area of any sign:* Eight (8) square feet.

D. *Historic district advisory board approval:* All sign permit applications must be approved by the appropriate historic district advisory board.

E. *Protrusion limitation:* No signs may extend above the top of the nearest facade, eaves or firewall of a building or structure.

F. *Illumination:* Signs within the historic district may be illuminated by remote light sources that are shielded from adjacent properties.

G. *Prohibited features:* Visible bulbs, neon tubing, luminous paints, and plastics are prohibited, except as provided in Section 2.8.8.6 and approved in accordance with Section 2.8.8.5 of the Land Use Code.

H. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Awning signs.

3. Banners, building and curbside.

4. Freestanding signs, monument and low profile only.

- a. Maximum number: One (1) per premises.
- b. Freestanding signs that include or consist of a three-dimensional representation of a figure or object are prohibited.
- 5. Portable signs.
  - a. May be permitted in this district only after review and approval by the development services director, the applicable historic district advisory board and the Tucson Pima County Historical Commission.
  - b. Use is subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.
- 6. Projecting signs.
  - a. *Allowed use*: Limited to commercial uses only.
  - b. *Maximum height*: Twelve (12) feet from grade (pedestrian surface) to top of sign.
  - c. *Minimum clearance*: Eight (8) feet between grade and bottom of sign.
  - d. *Maximum projection from building*: Five (5) feet.
- 7. Real estate signs, all types.
  - a. *Real estate for sale or lease sign*. Maximum area for residential properties: Four (4) square feet.
- 8. Temporary signs.
- 9. Wall signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-81. Pedestrian business district.**

A. *Location*: The pedestrian business district includes property as shown in Figure 1: Pedestrian Business District Downtown, Figure 2a: Pedestrian Business District Fourth Avenue and Figure 2b: Pedestrian Business District Park Avenue.

For a printer-friendly, PDF of these figures, [click here](#)

B. *Intent*: Signs in the pedestrian business district should provide clear and understandable identification for buildings, businesses and parking. Signs on historic buildings should be carefully designed and located to respect the visual integrity of the historic architecture, including building scale, proportions, surface texture and decorative ornamentation.

C. *Maximum total sign area*: Three (3) square feet per foot of street frontage.

D. *Permitted signs*.

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Awning signs.

3. Banners, building and curbside.
4. Freestanding signs, low profile and monument type only.
  - a. Maximum number: One (1) per building per street frontage where a building facade is set back at least ten (10) feet from a public right-of-way, or one (1) per street frontage for a surface parking lot where parking is the primary use of the property.
  - b. Maximum area: Twenty (20) square feet per sign.
  - c. Parking lots: Where used to identify a commercial parking facility, each freestanding sign must display the standard Parking I.D. symbol.
  - d. Maximum height: Twelve (12) feet above grade.
5. Parking signs.
6. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.
7. Projecting signs.
  - a. Allowed for commercial uses only.
  - b. Maximum area: Twenty (20) square feet.
  - c. Maximum height: Twelve (12) feet from grade (pedestrian surface) to top of sign.
  - d. Minimum clearance: Eight (8) feet between grade and bottom of sign.
  - e. Maximum projection from building: Five (5) feet.
8. Real estate signs, all types.
9. Temporary signs.
10. Traffic directional signs.
11. Wall signs. Maximum size: Thirty (30) percent of the area of each wall.
12. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11)

### **Sec. 3-82. Scenic corridor zone (SCZ) district.**

- A. *Location:* The scenic corridor zone (SCZ) district includes any portion of property or parcels within four hundred (400) feet, measured in any direction, of the future right-of-way lines of a scenic route, as designated on the Major Streets and Routes (MS&R) Plan map. If any portion of a development is within the SCZ district, the entire development will be treated, for sign purposes only, as though it were entirely within the SCZ district.
- B. *Maximum total attached sign area:*

1. For commercial or industrial uses: one and one-fourth (1.25) square feet per foot of building frontage with a minimum allowance of not less than twenty-five (25) square feet and a maximum of two hundred fifty (250) square feet per tenant. Signs must be oriented toward a scenic route, arterial street, collector street, or the interior of the premises.

2. For multifamily complexes: Twenty (20) square feet per street frontage.

C. *Land Use Code compliance:* All signs in this District shall comply with applicable provisions of the Land Use Code and must be approved through the applicable review process.

D. *Colors:* All signs shall use colors that are predominant within the surrounding landscape, such as desert and earth tones, as required in the scenic corridor zone provisions of the Land Use Code.

E. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Awning signs.

3. Freestanding signs, monument and low profile only.

a. Maximum number per premises:

(1) Scenic route: One (1) for the first four hundred fifty (450) feet of scenic route street frontage with one (1) additional sign for every four hundred (400) feet of additional scenic route street frontage.

(2) Arterial street: One (1) for the first four hundred fifty (450) feet of arterial street frontage with one (1) additional sign for every two hundred fifty (250) feet of additional arterial street frontage.

(3) Collector Street: One (1) for the first four hundred fifty (450) feet of collector street frontage within the premises, with one (1) additional sign for every two hundred fifty (250) feet of additional collector street frontage.

b. Maximum area:

(1) Multifamily residential uses: Twenty (20) square feet per street frontage.

(2) Commercial or industrial uses: Thirty-five (35) square feet per sign if located within the SCZ buffer, fifty (50) square feet per sign if located outside the SCZ buffer.

c. Maximum height: Ten (10) feet.

d. Location:

(1) Scenic route: Maximum height signs shall be located no less than seven and one-half (7.5) feet behind the leading edge of the SCZ buffer and within fifty (50) feet of the right-of-way line. Signs may be located one (1) foot closer to the leading edge of the SCZ buffer for each foot (below the maximum) they are reduced in height.

(2) All other streets: Within twenty (20) feet of the right-of-way line and at least one hundred fifty (150) feet from the centerline of the scenic route.

e. Freestanding signs that include or consist of a three-dimensional representation of a figure or object are prohibited.

f. Lighting: Sign panels shall be opaque. Light shall be emitted through individual translucent letters

and/or symbols only, or individual letters and/or symbols may be halo illuminated. Unused tenant panels shall be opaque and designed to match the rest of the sign.

- g. Within SCZ buffer electronic message signs and exposed neon signs are prohibited.
- 4. Menu boards.
- 5. Medical services directional sign.
  - a. Maximum area: Eight (8) square feet.
  - b. Maximum height: Four (4) feet to top of sign.
  - c. Permitted: Only if no frontage on collector or arterial street.
- 6. Real estate signs, only types listed.
  - a. Real estate for sale or lease signs.
    - (1) Maximum area:
      - (a) Residential properties: Four (4) square feet.
      - (b) Vacant land: Sixteen (16) square feet.
      - (c) Commercial and industrial development: Eight (8) square feet. Must be placed on the building for sale or lease and not on any buffer wall, landscape element, etc.
    - b. Real estate project identity entrance sign.
    - c. Real estate subdivision sign.
      - (1) Maximum faces: Two (2).
      - (2) Maximum area: Sixteen (16) square feet.
      - (3) Maximum height: Ten (10) feet from grade to top of sign.
- 7. Temporary signs
- 8. Traffic directional signs:
  - a. Within the scenic corridor thirty (30) foot landscape buffer the following shall apply:
    - (1) Minimum site area: Ten (10) acres.
    - (2) Maximum area: Three (3) square feet; tenant identification or logo not to exceed one (1) square foot.
    - (3) Maximum number: One (1) per vehicular entrance.
    - (4) Location: Within twenty (20) feet of the entrance.
- 9. Wall signs.



**\*Editor's note** – Section 3 of Ord. No. 10864, as amended by Section 2 of Ord. No. 10951 and Section 1 of Ord. No. 11032, provides: "The provisions of this Ordinance amending Sections 3-33 and 3-82 of the Sign Code shall cease to be effective on January 31, 2016, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to this amending Ordinance. The purpose of this sunset clause is to give the City the opportunity to decide whether to continue to implement Sections 3-33 and 3-82, as amended or to revert to those provisions existing prior to this Ordinance."

**Secs. 3-83--3-90. Reserved.**

## **ARTICLE VII. SIGN MAINTENANCE**

### **Sec. 3-91. Maintenance.**

A. Each sign shall be maintained in a safe, presentable and good condition, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of said sign, without altering the basic copy, design or structure of the sign. Any painted sign that is painted out and repainted exactly as it previously existed is considered maintenance of a sign. The sign code administrator shall require compliance or removal of any sign determined by said official to be in violation of this section.

B. In addition to satisfying the requirements of subsection A, any sign that is constructed of paper, cloth, canvas, light fabric, cardboard, wallboard, plastic or other light material, and that is not rigidly and permanently installed in the ground or permanently attached to a building, must be removed or replaced within one hundred (100) days after it is installed or erected.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-92. Dangerous or defective signs.**

No person shall maintain or permit to be maintained on any premises owned or controlled by him or her any sign that is in a dangerous or defective condition. Any such sign shall be promptly removed or repaired by the owner of the sign or the owner of the premises.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-93. Removal of dangerous or defective signs.**

The sign code administrator shall remove or cause to be removed any dangerous or defective sign pursuant to the provisions for the unsafe structures and equipment in the International Building Code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Secs. 3-94, 3-95. Reserved.**

## **ARTICLE VIII. NONCONFORMING SIGNS AND CHANGE OF USE**

### **Sec. 3-96. Signs for legal nonconforming uses.**

A. Subject to the provisions of this section, signs for a legal nonconforming use, as defined in the Land Use Code, are allowed. Such signs shall be allowed only so long as the nonconforming use is allowed. A final determination by the zoning administrator that a nonconforming use has been discontinued or abandoned shall also be the final determination of the nonconforming status of the related sign.

B. Any such sign legally existing on the effective date of this sign code but that does not comply with the regulations of this sign code adopted after the sign was legally permitted shall be deemed to be a nonconforming sign and shall be subject to the provisions of this article.

C. Except for reasonable repairs and alterations, no nonconforming sign shall be moved, altered, removed and reinstalled, or replaced, unless it is brought into compliance with the requirements of this Sign Code.

D. Notwithstanding the provisions of Sec. 3-96. C., a nonconforming detached sign may be relocated, altered, removed and reinstalled, or replaced, subject to meeting all of the following conditions:

1. The sign is a legally permitted on-site sign.
2. A sign permit must be obtained prior to commencing any such relocation, alteration, removal and reinstallation, or replacement. The following information must be attached to the sign permit application:
  - a. Photographs of all existing signs on the property.
  - b. Scaled drawings showing copy, height, sizes and location of all existing signs on the property.
  - c. Scaled drawings showing the new configuration of the sign and setback.
3. The sign must be decreased in height by at least twenty percent (20%) and shall not exceed twenty (20) feet in height.
4. The sign must be decreased in sign area by at least twenty percent (20%) and shall not exceed one hundred (100) square feet in area.
5. If the sign shares a common structure with other tenants, the aggregate area of all tenant signs must be reduced by at least twenty percent (20%) and shall not exceed one hundred (100) square feet, and the height of the common structure must be reduced by at least twenty percent (20%) and shall not exceed twenty (20) feet.
6. The new sign and structure configuration must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angle iron, cables, internal or back framing, bracing, etc.). The pole cover or architectural embellishment may require plan check for construction purposes.
7. No part of the relocated sign and/or structure may occupy or overhang public right-of-way.
8. The sign may be relocated, subject to the following:
  - a. If the sign is ten (10) feet tall or less, the sign shall be at least twenty (20) feet behind the existing or future curb whichever is greater.
  - b. If the sign is greater than ten (10) feet tall, the sign shall be at least thirty (30) feet behind the existing or future curb whichever is greater.
9. The sign has not been declared abandoned, illegal or prohibited.

10. Any nonconforming sign that is relocated, altered, removed and reinstalled, or replaced pursuant to the provisions of this section retains its classification as a nonconforming sign and shall be treated as such.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 5, 6-28-11; Ord. No. 10954, § 1, 1-10-12, eff. 7-10-12)

**Editor's note** – Section 3 of Ord. No. 10954 provides: "The provisions of the Tucson Code, Chapter 3, Article VIII, Section 3-96(D) shall end and be of no effect on July 10, 2013."

### **Sec. 3-97. Change of use.**

A. Any nonconforming sign may continue to be utilized as long as the occupancy of the use within the structure remains the same. When a use changes from one occupancy category to another, all signs shall be brought into conformance with the provisions of this chapter.

B. Any occupancy not mentioned specifically or about which there is any question shall be classified by the sign code administrator and included in the group which its use most nearly resembles.

C. Occupancy categories:

1. Assembly uses such as theaters, churches, stadiums, review stands and amusement park structures.
2. Educational uses such as nurseries, child-care and other educational purposes.
3. Institutional uses such as hospitals, sanitariums, nursing homes, mental hospitals and sanitariums, jails, prisons and reformatories.
4. Manufacturing and industrial uses such as storage of materials, dry cleaning plants, paint shops, woodworking, printing plants, ice plants, power plants and creameries.
5. Service facilities such as repair garages, aircraft repair hangers, gasoline and service stations.
6. Wholesale uses.
7. Retail uses.
8. Office uses.
9. Restaurant, drinking and dining uses.
10. Government uses such as police and fire stations.
11. Multi-occupancy dwellings such as hotels, apartment houses, convents, monasteries and lodging houses.
12. Single-family dwellings.
13. Parking facilities such as parking garages.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Secs. 3-98--3-100. Reserved.**

## **ARTICLE IX. VIOLATIONS; ENFORCEMENT; PENALTIES**

### **Sec. 3-101. Violation a public nuisance.**

If any person erects, alters, relocates or maintains a sign in violation of the provisions of this sign code, it is declared a public nuisance, and the city attorney is authorized to bring an action in a court of competent jurisdiction to enjoin such person from continuing the violation.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-102. Violation declared a civil infraction.**

It shall be a civil infraction for any person to violate any of the provisions of this sign code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-103. Abandoned and discontinued signs; obsolete sign copy.**

A. *Nonconforming signs.* Any nonconforming sign or nonconforming sign structure that is either discontinued for a period of six (6) months or abandoned shall be removed by the owner of the sign or owner of the premises.

B. *Obsolete sign copy.* Obsolete sign copy on either a nonconforming or conforming sign is to be removed by the owner of the sign or owner of the premises. Obsolete sign copy shall be removed by replacing the sign face with a blank face, replacing the obsolete sign copy with copy that is not obsolete, or removing the sign structure.

C. *Determination of discontinuance, recording of determination of discontinued nonconforming sign.* The sign code administrator may send notice by certified or registered mail or hand delivery to the record owner or occupier of the property to abate a violation of this section, directing abatement within thirty (30) days from the date the notice was mailed or delivered. In making a determination that a sign or sign structure is either abandoned or discontinued, or that sign copy is obsolete, the sign code administrator may consider:

1. Whether the property on which the sign is located is vacant or unoccupied;
2. The length of time the property is vacant or unoccupied;
3. The condition of the property;
4. The status of any business licenses, permits, or certificates of occupancy;
5. Utility records for the property;
6. Any acts taken by any person with respect to the property; and
7. Any other factor the sign code administrator considers relevant to this determination.

D. *Temporary signs.* Temporary signs shall be deemed discontinued when the time, event or purpose to which the sign pertains has passed or otherwise no longer applies, and shall be removed as directed in a written notification by the sign code administrator.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-104. Reserved.**

**Sec. 3-105. Illegal signs.**

Illegal signs are those that do not meet the requirements of this sign code and that have not received nonconforming status.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-106. Removal of abandoned, prohibited and illegal signs by sign code administrator.**

The sign code administrator shall enforce the sign code in accordance with one or more of the following procedures:

A. *Administrative enforcement:*

1. For an abandoned or discontinued sign, the sign code administrator may send notice by certified or registered mail or hand delivery to the record owner or occupier of the property to abate the nuisance within thirty (30) days from the date the notice was mailed or delivered.

2. For a prohibited or illegal sign, the sign code administrator may send notice by certified or registered mail or hand delivery to the record owner or occupier of the property to abate the nuisance within five (5) days from the date the notice was mailed or delivered.

3. The sign code administrator shall specify in the notice the nature of the complaint and penalties and abatement remedies for the violation. Abatement remedies shall consist of one or both of the following remedies:

- a. Removal of the sign; or
- b. Obtaining the required permits and bringing the sign into compliance with this sign code.

B. *Summary abatement.* The sign code administrator may immediately remove any dangerous sign or sign that creates an imminent threat to public safety. The sign code administrator may immediately remove any prohibited sign or illegal sign that is located within the public right-of-way. Illegal signs located within the public right-of-way are hereby determined to create an imminent threat to public safety.

C. *Civil citation.* The sign code administrator or designee may issue or cause to be issued a civil citation or civil complaint to any person violating the provisions of this sign code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-107. Administrative appeal.**

Review of decisions of the sign code administrator may be taken in the following ways:

A. Appeal of decisions of the sign code administrator relating to this sign code and requests for variances shall be made pursuant to Article XI.

B. Proceedings involving the removal of illegal, abandoned or prohibited signs shall be conducted pursuant to this article.

C. In all other cases and whenever a violation of any of the technical codes or this Code is determined, whether during the construction or plan review stage, and the applicant wishes to appeal the decision of the staff because of code interpretations, unreasonable hardship or other acceptable reasons, an appeal may be made to the building official pursuant to the provisions of the applicable code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-108. Reserved.**

**Sec. 3-109. Penalty.**

A. Any person found responsible for a violation of this sign code shall be guilty of a civil infraction and punished in accordance with the provisions outlined in Chapter 8 of the Tucson Code. If there is any conflict between the procedures of this section and the general procedures of Chapter 8, this section is controlling.

B. Upon a finding of responsibility, the magistrate shall impose the penalties (fine and abatement) provided under section 8-6.1 of the Tucson Code. Upon expiration of the abatement time, the magistrate shall order the city to abate the violation in accordance with the provisions set forth in section 3-110 below.

C. Except where prohibited by law, each day the violation continues shall constitute a separate offense.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-110. Abatement by the city after court order.**

A. Pursuant to the summary abatement provisions of section 3-106.B, or after entry of a court order directing removal of an offending sign, the city or its agents may enter upon the property and cause the offending sign to be removed at the expense of the owner, tenant, lessee or occupant either jointly or severally.

B. A verified statement of the costs or expense shall be sent by certified or registered mail to the last known address of the record owner and to the lessee, tenant or occupant. The record owner or the lessee shall be liable jointly or severally for the payment of said cost or expense.

C. The payment for costs or expenses shall be in addition to any civil penalty imposed pursuant to Chapter 8 of the Tucson Code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Secs. 3-111--3-115. Reserved.**

## **ARTICLE X. INDEMNIFICATION**

**Sec. 3-116. Indemnification of city.**

As a condition to the issuance of a sign permit as required by this sign code, all persons engaged in hanging of signs that involves, in whole or part, the erection, alteration, relocation, maintenance or other

sign work in, over or immediately adjacent to a public right-of-way or public property so that a portion of the public right-of-way or public property is used or encroached upon by the sign hanger in the said sign work, shall agree to hold harmless and indemnify the city, its officers, agents and employees from any and all claims of negligence resulting from said erection, alteration, relocation, maintenance or other sign work.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-117. Liability insurance required.**

As a condition to the issuance of a sign permit as required by Article III of this sign code, all sign hangers performing work shall obtain a public liability insurance policy in the minimum amounts of two hundred thirty thousand dollars/five hundred thousand dollars (\$230,000.00/500,000.00) for injury or death to any person in any one accident or for injury or death to two (2) or more persons in any one accident; and one hundred thousand dollars (\$100,000.00) for destruction of property in any one accident. The sign hanger shall furnish the city with a certificate of insurance that shall name the city, its officers, agents and employees as additional insured under the policy. The insurance shall provide that the city shall be notified of any cancellation of the insurance ten (10) days prior to the date of cancellation.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Secs. 3-118--3-120. Reserved.**

## **ARTICLE XI. SIGN CODE ADVISORY AND APPEALS BOARD**

### **Sec. 3-121. Intent, purpose and establishment thereof.**

There is hereby established a sign code advisory and appeals board. The sign code advisory and appeals board shall hear and decide applications for variances from the provisions of this sign code and appeals from determinations of the sign code administrator in the application and enforcement of this sign code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-122. Membership, term, removal from office.**

A. The sign code advisory and appeals board shall be comprised of seven (7) members appointed by the mayor and council.

B. All members of the board shall be residents of the city and shall serve without compensation. Appointees to the board shall serve staggered terms of four (4) years. Appointments to fill vacancies shall be for the unexpired terms. No member of the board shall hold any city, county or state elective office.

C. A member may be removed for just cause by the vote of two-thirds ( 2/3) of the mayor and council voting affirmatively therefore.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-123. Election of officers, meetings rules and regulations, records.**

The sign code advisory and appeals board shall elect a chairperson and vice-chairperson from among its

members. The board shall hold at least one regular meeting per month in transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record, and shall adopt rules and regulations, consistent with law, that may be necessary and convenient for carrying out its functions. Copies of such rules and regulations shall be made available to the public by the sign code administrator. The chairperson, or in his or her absence the vice-chairperson, may administer oaths, take evidence and compel the attendance of witnesses.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

#### **Sec. 3-124. Quorum.**

The presence of four (4) members shall constitute a quorum. The concurring vote of four (4) members of the board shall be necessary to decide an appeal of an interpretation or decide an application for a variance from the provisions of this sign code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

#### **Sec. 3-125. Powers, duties and responsibilities.**

The sign code advisory and appeals board shall have the power to grant variances and to review decisions of the sign code administrator as specified in this section.

A. *Appeals.* To hear and decide appeals where it is alleged that there is error or abuse of discretion in any order, requirement, decision, interpretation or other determination made by the sign code administrator in the enforcement of this sign code.

B. *Variances.* To hear and decide, grant or deny requests for variances from the provisions of this sign code.

C. *Conditions.* In granting a variance, the board may attach such reasonable conditions as it may deem necessary to implement the purposes of this sign code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

#### **Sec. 3-126. Findings required in granting variances.**

The sign code advisory and appeals board may grant a variance only if it finds:

A. That, because there are special circumstances applicable to the property, strict enforcement of this sign code would deprive the property of privileges enjoyed by other property in the same district;

B. That the variance will not result in a special privilege to one individual property and the circumstances are such that the variance would be appropriate for any property owner facing similar circumstances;

C. That the requested variance will not materially and adversely affect the health and safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property and improvements in the neighborhood;

D. That the need for a variance is not the result of special circumstances or conditions that were self-imposed or created by the owner or one in possession of the property;

E. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the sign code provisions in question; and



F. That because of physical circumstances or conditions, such as irregular shape, narrowness or shallowness of the lot, or exceptional topographic condition of the specific property, the property cannot reasonably be signed in conformity with the provisions of this sign code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-127. Powers denied the board.**

The sign code advisory and appeals board may not:

- A. Make any changes in the wording, terms or provisions of this sign code.
- B. Grant a variance if the special circumstances or conditions applicable to the property were self-imposed or created by the owner or one in possession of the property.
- C. Grant a variance to a substantially greater extent or degree than indicated in the public notice of the hearing thereon.
- D. Grant a variance that would constitute a use variance.
- E. Grant a variance for a freeway sign to exceed:
  - 1. Forty-eight (48) feet above the freeway grade maximum height.
  - 2. Three hundred sixty (360) square feet maximum area.
  - 3. Thirteen (13) feet minimum clearance.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-128. Application to the board.**

- A. *Filing.* An application to the sign code advisory and appeals board or an appeal from a determination of the sign code administrator pursuant to section 3-107 shall be filed with the sign code administrator, who shall transmit the same, together with all fees, plans, papers, the report of the sign code administrator and all other materials pertaining to the matter to the sign code advisory and appeals board.
- B. *Application for variances.* Applications for a variance shall be written on forms prescribed by the development services department and shall be accompanied by statements, plans and other relevant evidence.
- C. *Staff report.* The sign code administrator shall, on each request for a variance, make a recommendation to the sign code advisory and appeals board. This recommendation may be included as part of the staff's report to the board or it may be transmitted separately.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-129. Appeals stay proceeding.**

An appeal stays all proceedings in the matter appealed from, unless the sign code administrator certifies to the board that, in his or her opinion and as supported by facts stated in the certificate, a stay could cause imminent peril to life or property. Upon such certification, proceedings shall not be stayed, except by restraining order granted by the board, or by a court of record on application and notice to the sign code administrator.

**Sec. 3-130. Time for hearings; notice.**

A. The sign code advisory and appeals board shall fix a reasonable time for the hearing of an application or of an appeal. Notice of the time and place of the public hearing shall be given at least fifteen (15) and not more than thirty (30) calendar days prior to the hearing by:

1. Publication at least once in a newspaper of general circulation published or circulated in the City of Tucson.
2. By posting notice in conspicuous places close to the property affected.
3. Such other manner as is deemed desirable.

B. A notice of the proposed variance hearing shall be mailed to all property owners of record of property located within one hundred fifty (150) feet of the property on which the variance is requested. Said notices shall be mailed not less than ten (10) days prior to the date of the hearing.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-131. Fees and enforcement.**

A. A fee of two hundred dollars (\$200.00) shall be paid upon the filing of each application for a variance from the provisions of this sign code.

B. A fee of one hundred dollars (\$100.00) shall be paid upon the filing of each application for an appeal from a determination of the sign code administrator regarding this sign code.

C. If a person fails to comply with the decision or requirements of the sign code advisory and appeals board or continues to violate the provisions of this sign code after being denied a variance, the sign inspector may disconnect or order utility companies to disconnect utility services to the premises involved until compliance therewith or have the sign removed. No such action by the inspector shall be taken until ten (10) days after receipt by the person or owner of the premises of written notice of intent to take such action.

D. If a written request for a review of the matter is made within ten (10) days after receipt of the notice of intent, the action by the sign inspector shall be stayed until a hearing thereon by the sign code advisory and appeals board. The board may affirm, reverse or modify the inspector's proposed action.

E. This provision does not preclude the use of any other enforcement method provided in the Tucson Code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-132. Appeal from board.**

A. Any person may:

1. File an action under the Arizona Rules of Civil Procedure, "Rules of Procedure for Special Action" seeking a judicial review of the decision. The filing of the petition shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board, and on due cause shown, grant a restraining order and on final hearing may reverse or affirm, wholly or partly, or may modify the decision reviewed.

2. File, at any time within fifteen (15) days after the board has rendered its decision, an appeal with the clerk of the legislative body. The legislative body shall hear the appeal and may affirm or reverse, in whole or in part, or may modify the board's decision. The authority to file a complaint, as provided in subsection A.1 of this section, may be used in lieu of or in addition to the appeal provided in this subsection. In hearing an appeal from the board, the legislative body is bound by the record presented to the board and may not consider new evidence or reweigh the evidence previously presented to the board.

B. For purposes of this section, the decision of the board is "rendered" when the board orally pronounces its decision during a public meeting, so long as the oral pronouncement is sufficient to provide reasonable notice of the board's final decision.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-133. Appeals.**

The sign code advisory and appeals board hears and decides appeals from interpretations of this sign code made by the sign code administrator in the application or enforcement of this sign code in accordance with the board of adjustment appeal procedure, section 23a-61. Fees for appeals under this sign code shall be the same as appeals of zoning interpretations under the Land Use Code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Secs. 3-134--3-140. Reserved.**

## **ARTICLE XII. CITIZEN SIGN CODE COMMITTEE**

### **Sec. 3-141. Creation.**

A citizen sign code committee is hereby created to assist the mayor and council by reviewing and recommending to the mayor and council amendments to this sign code. The citizen sign code committee shall be the planning commission for the review and recommendation regarding sign regulations.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-142. Authority.**

A. *General.* Consistent with this section 3-142, the citizen sign code committee shall hold hearings and make specific recommendations as appropriate or deemed necessary to the mayor and council on:

1. Proposed additions or amendments to or deletions from this sign code.

2. Sign code enforcement, including but not limited to enforcement procedures and budgetary and personnel requirements.

B. *Procedure.* The committee shall hold at least one public hearing on any sign code matter that may be forwarded to the mayor and council for their consideration.

C. *Notice content.* The committee shall give notice of the time and place of hearings, including as appropriate:

1. An explanation of the subject matter to be considered, including references to specific sections of this sign code as necessary.

2. Information on the availability of any studies or summaries of the subject matter of the hearing.

D. *Notice procedure.* Notice shall be given not less than fifteen (15) nor more than thirty (30) calendar days before the hearing by:

1. Publication for three (3) consecutive days in a newspaper of general circulation in the City of Tucson, with all three (3) publications occurring within the required time frame; and

2. Such other manner as the committee may deem necessary.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-143. Composition.**

A. *Number of members.* The citizen sign code committee shall be composed of eleven (11) members who shall serve without compensation.

B. *Special committees.* The committee may create such special committees as it may from time to time deem necessary or desirable. The members of such committees may be selected either from among the members of the committee or residents of the City of Tucson qualified to contribute to the work of the special committee or both.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-144. Appointment and terms.**

A. *Appointment:*

1. The members of the mayor and council shall each appoint one member to the citizen sign code committee in conformance with Article XIII, Chapter 10A of the Tucson Code.

2. The city manager shall appoint four (4) members to the citizen sign code committee.

B. *Terms.* The terms of members of the committee appointed by the mayor and council shall be in conformance with Article XIII, Chapter 10A of the Tucson Code. All city manager appointments shall be for four (4) years.

C. *City employees, elected officials excluded.* No member of the committee may be a city employee or hold a city elective office.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-145. Vacancies.**

Vacancies on the citizen sign code committee shall be filled by appointment in the same manner in which members are initially appointed, as provided in section 3-144(A) and in conformance with Article XIII, Chapter 10A of the Tucson Code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-146. Meetings.**

A. The citizen sign code committee shall meet at least semiannually consistent with the requirements of section 3-142.

B. Special meetings, with proper notice, may be called by the chairperson of the committee, upon request of the majority of the committee members, or upon a formal request by a majority of the mayor and council.

C. A majority of the committee members shall be necessary to conduct business and to adopt and forward any recommendations to the mayor and council.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-147. Removal.**

Removal of the members shall be in conformance with Article XIII, Chapter 10A of the Tucson Code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

### **Sec. 3-148. Administrative procedures.**

A. *City manager.* The city manager shall ensure that all city departments and persons under his authority shall cooperate in providing assistance and data to the citizen sign code committee.

B. *Executive secretary.* The sign code administrator or designee shall serve as executive secretary to the committee.

C. *Chairperson and other officers.* The committee shall elect a chairperson and vice- chairperson and such other officers as it may deem necessary from its members. The terms of chairperson, vice-chairperson and other officers shall be for one year subject to one additional term of one year.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

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